
REFLECTIONS.

ON THE

ABUNDANCE

OF

PAPER IN CIRCULATION,

AND, THE

SCARCITY OF SPECIE.

J. GOSNELL, Printer, Little Queen Street, London.

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ON THE
ABUNDANCE
OF
PAPER IN CIRCULATION,
AND THE
Scarcity of Specie.

BY SIR PHILIP FRANCIS, K. B.

Ad tempora, quibus nec vitia nostra nec remedia pati possumus,
perventum est.

LONDON:

PRINTED FOR J. RIDGWAY,

NO. 170, OPPOSITE OLD BOND STREET, PICCADILLY.

1810.

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FRA

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REFLECTIONS

ON THE

ABUNDANCE OF PAPER

AND

SCARCITY OF COIN

AVERAGE PRICE OF BANK-STOCK

1760.....	£ 110½
1777.....	£ 133½
1797.....	£ 127½
1800.....	£ 280

Dividend raised from 7 to 11 per Cent., besides sundry Bonusses, which shall be stated hereafter.

It was said by William Earl of Chatham forty years ago, or somebody has recorded it for him, "That it was a maxim he had observed through life, when he had lost his way, to stop short, least, by proceeding without knowledge and advancing from one false step to another, he should wind himself into an inextricable labyrinth, and never be able to recover the right road." He was naturally a brave man, and, by constantly holding a high language, accustomed his mind to keep company with generous principles and great ideas. When George the Second, indignant at the Convention of

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Clotter Seven, concluded by the Duke of Cumberland, repeatedly said to Mr. Pitt, "*I gave him no powers,*" his repeated answer was, "*Very full powers indeed, Sir.*"

Most men are ready to admit that plainness and simplicity are good moral qualities, and not at all unwilling to encourage them in others. But it is not so generally known or admitted, that these qualities, instructed by experience or enlightened by reflection, are the surest evidence of a sound understanding. A cunning rogue may cheat a wiser man of his money; but, in an abstract question to be determined by judgment, it is not possible that skill and artifice can finally prevail over plain reason, which, in the ordinary transactions of life, is called common sense. If it were possible for me to personify the British nation, and if I were at liberty to offer my humble advice to so great a person, the first thing I should recommend to him would be to adopt the maxim of Lord Chatham, to stop for a moment, in order to take a general view of his situation with his own eyes, and to reflect on it himself. The first question I

would urge to his consideration, as more immediately pressing, though not more important than many others, is, whether the kingdom, with many appearances to the contrary, be not essentially impoverished, and whether the causes of that effect be or be not in a state of progression. It is in vain to argue with any man, who professes to think that a circulation of paper, not convertible into specie, and which may be increased *ad libitum* by those who issue it, is as sure a sign of wealth as specie itself, or at least answers *all* the purposes of gold and silver, as it certainly does *some* of them. His principle, if he be in earnest, which I should very much doubt of, any person in possession of his senses, would oblige him, in many other cases, to maintain that the shadow of a good thing is just as good as the substance; or that water, forced into the system, performs the functions of blood, with equal effect and greater facility. With the help of tapping it might do so, as long as the stamina lasted. But, in these cases, the patient is apt to give the lie or the slip to the physician, and to die of a dropsy with the panacea in his bowels. He,

who really suffers his mind to be amused with such fancies, has something to enjoy, and it would be cruel to undeceive him. But, in fact, there is no such person out of Bedlam, except perhaps on the coast of Angola, where, in former times at least, the honest Christian trader persuaded the infidel natives that cowries and glass beads would answer their purposes much better than gold or silver. In this way, they were converted out of their property, but not at all out of their infidelity.

Paper undoubtedly is more convenient and manageable than coin ; it executes many services much better ; and, as long as its credit is good, a reasonable circulation of it helps to promote and facilitate the operations of industry. But, with all its facilities as an agent, there is one condition essential to its value as a sign, namely, *security*. Take away that condition, and the value of a Bank-note immediately becomes imaginary. It has no intrinsic value, and it represents nothing. Such paper may pass among ourselves by agreement, and we may coin as much of it as we please ; but, so far from

being a sign or effect of wealth, the increasing abundance of such paper, without specie existing and forthcoming to answer it, is a sure and indisputable evidence of immediate or approaching poverty. The first question to be considered is, what is become of the gold and silver, which, before the present war, were plentiful enough; and, if they are gone, whether, in the present course of things, there be any likelihood of their coming back again. Near two years ago, Mr. Baring gave us fair warning of our situation and its consequences. He truly said, "That this country then stood in the singular predicament of abandoning the general medium of circulation, gold and silver, for paper, which is of no value beyond its own limits." Even then he told us, that "the precious metals had not increased in quantity in proportion to the *depreciation* of our nominal money, to furnish us the means of circulation." If that was the case two years ago, what must it be now, when we know that there is no bullion left, and that guineas are not to be found, unless they happen to be stopped in their way to the continent; and when the expenditure,

we have to provide for, is not much less than eighty millions a-year? Of this expence, a very great proportion cannot be paid with paper, *videlicet*, your armies and garrisons abroad; your navy on foreign stations; subsidies to foreign courts, and many other expences, such as the interest of the public debt held by foreigners at war with you, and estimated at seven hundred thousand pounds a-year; besides the bullion, from six to eight hundred thousand pounds, exported annually by the East India Company. All this amount must go in gold and silver, unless the favourable state of your trade with the continent and elsewhere gives you a foreign credit, which may help to supply you with part of the sum wanted to answer these demands.

While our houses are ransacked for taxes; while the community are crushed by the weight, and harassed by the exaction; while the opulence of a few, who share in the produce, is the only consolation left to those who pay for it; let us see and consider what sort of comfort we receive from the dealers in paper. There can be no doubt

that these worthy persons have it seriously at heart to furnish us with any relief, that may help to keep us quiet, while they turn the whole system, and every possible profit growing out of general distress, to their own special advantage. Now, these people tell us, with as much gravity as if they believed it, that Bank-notes are *not* depreciated; by which, I suppose, they would be understood to mean, in comparison with the standard coin of the kingdom, or, at least, with bullion; for money, after all, is the measure of commerce, and of the rate of every thing. If this be not their meaning, they do not speak intelligibly, or they say nothing to the purpose; and then I should leave them to argue with one another. But, taking their proposition in its plain and obvious sense, I say it is not true. As long as Bank-notes, or paper securities of any other kind, were convertible into specie on demand, the value of such paper could not be depreciated otherwise than by the bankruptcy of those who issued it. But the case is quite altered, when the Bank is exempted by law from paying their notes on demand, according to the fundamental

condition of their charter *vide quâ non*, and when the moral and lawful claims of creditor against debtor are dissolved by an act of power. Without arguing now on the merits or necessity of that measure, because it is a lost case, let us look to the consequences of it, as connected with the present question. Suppose that, on any given day, an ounce of gold might be bought with 3*l.* 18*s.* in Bank paper, it would be fair to say, that paper and gold, compared with one another, were at par. He, who had one of these commodities, might purchase the other without loss, if he wanted it. But if, in the course of any given period, this ounce of gold should be progressively rising in its paper price, as for example, because it is the fact, from 3*l.* 18*s.* to 4*l.* 10*s.* can it possibly be denied, that the value of gold, in relation to paper, has risen twelve shillings an ounce, and that the value of the paper, in the same relation, has fallen in the same proportion? There is no end of cavilling about words; but, in plain English and common sense, what is a diminution of value, but a depreciation of the thing valued?

When, by agreement or otherwise, any two things are made the measure of each other, by a par settled between them, if one of them rises above that par, and the other sinks below it, the difference must be a premium on the first, and a discount on the second. It matters not, whether this measure relates to coin and paper, or to corn and cloth. For example, suppose a yard of cloth and a bushel of wheat on a given day to be equal to each other reciprocally. If, in a lapse of time, that equality should be lost, and if a yard of cloth should be valued at two bushels of wheat, it seems to me self-evident, that the cloth would be at a premium; and the corn at a discount of fifty per cent. in relation to each other. He, who denies the truth of this proposition, will be bound to maintain that, if the price of gold were to rise to ten or twenty pounds an ounce in paper, the price of the said paper would not be diminished, which I conceive is the same thing as saying that it would not be depreciated.

Another short view of the question, or rather another form of putting it, I should

imagine, would end it. Suppose the thing, which any man wants to buy, is Bank-notes, and that he has nothing to pay for them but gold. Yesterday his ounce of gold would only have bought four pounds in paper. To-day he can get five pounds of the same paper, with the same ounce of gold. Is the paper cheaper to-day by twenty-five per cent. than it was yesterday? But, cheap or dear, is measured by price, and, if the price be so much lower, is, or is not the value so far reduced? Whether reduction of price be depreciation or not, or equivalent to it, is a verbal question very fit to be argued in 'Change Alley; but probably will not be entertained by any man, who has brains enough left to defend his pockets. Here this part of the subject may be dismissed, with one short memorandum to the reader, which he should for ever bear in mind, viz. that, considering specie and paper as equally a medium of circulation, there is this essential and eternal difference between them, that paper, at best, can be nothing but a sign among ourselves; but that, by the common consent of mankind, gold and silver have an intrinsic value, and

constitute a real pledge or deposit, as well as a sign; and tho' the price may accidentally vary, according to the quantity and the demand, still an intrinsic value adheres to the substance. If indeed wealth be an evil, and poverty a blessing, there is now thing so easy as to get rid of the evil, and not only to secure the present blessing, but to entail it on posterity. For this desirable purpose, no effort is necessary but to persevere in the smooth, down-hill course, which we are now pursuing. The plane is inclined, and the machine, once in motion, will go of itself. There is nothing so easy as the descent of a falling body through an unresisting medium.

They, who deny the depreciated value of paper in circulation, have a loose, vulgar way of talking, fit to satisfy such careless people as the inert mass of the English consists of. It is said, with a triumph over arguments, which are not listened to, that, as long as a one pound note and a Birmingham shilling will purchase as much beef and mutton, or any other commodity in the shops, as a guinea, either of them is equal to the other,

and, consequently, paper is not depreciated, at least among ourselves; for no man, I think, has the confidence to affirm, that the proposition would be true, if applied to our mercantile intercourse, or any other money-dealing with foreigners. If it were so, that is, if we were cunning enough to persuade a foreign creditor to receive Bank-notes in payment, then undoubtedly we might soon settle the score with him, as we do with many other creditors nearer home. As to internal circulation, it is true that he, who has but a few guineas left, may be compelled to part with them, though he gets no more for his guinea than he might for a note and a shilling; but first, it is certain that all these rare, straggling guineas, are shot flying, or caught up as fast as they appear, and either hoarded, or melted into ingots, or exported in specie. But would any man, Jew or Gentile, who possessed a thousand guineas, lend or pay them for £1050 in paper, while various ways are open to him, by which he may exchange them for the same paper, with a profit of fifteen or twenty per cent.; and, if he were so ill-advised or so generous, would not his

thousand guineas be seized by other Jews or Gentiles, and go directly to the crucible? A Birmingham shilling may do as well for common change, as a shilling from the mint, if such a thing existed or ever came into sight, because, in petty dealings, where the shilling changes hands every minute, a small shifting loss is not regarded—*nulla est de minimis cura*; or, because we are willing to pay a light tax for a constant convenience; but not so when great payments are in question. For then we know the difference, and that it constitutes an object worth attending to. Would any debtor make a payment of £1050 in guineas, if, by melting the same guineas, he could pay the debt, and put a hundred pounds worth of the circulating paper into his pocket? The case is just the same in purchase as in payment. If, to buy a certain quantity of corn or cloth, he parts with a thousand new guineas instead of £1050 in Bank-notes, I say he is cheated or he cheats himself; because the guineas are worth fifteen or twenty per cent. more; which difference he might realize by melting or exporting them; and, if he were resolved to forego that profit himself, somebody else

would get it instead of him. The public would gain nothing by his forbearance. But what signifies arguing such questions, when we all know that there are no heavy guineas in common circulation, and very few even of those, that have been most severely sweated? Does any landlord receive one guinea in a thousand pounds in the rents of his estate? That question was asked in the House of Commons seven years ago, and neither then nor since has ever been answered in the affirmative.

I know it is stoutly asserted, that there never was any thing so flourishing as the foreign trade of England at this time; that our imports are considerable, but that they are exceeded by our exports to the amount of many millions, which, it seems, find a rapid and profitable sale, wherever they are sent. Foreign markets are never glutted with English goods, and these goods are never sold under prime cost, to save or secure the freight; or left to perish on the beach, as I know they do at Heligoland, to an immense amount, particularly of colonial produce. A gentleman, very lately arrived from

that fortunate island, assured me that, from the beach to the stairs, he had walked up to his ancles in salted sugar and rotten coffee. Moreover, it is stated to me, on the authority of a gentleman of unquestionable veracity, who arrived from the Brazils within this month, that British manufactures of all sorts, particularly cloths, were sold there and at Buenos Ayres, when they could be sold at all, at 25 per cent. under prime cost. Nevertheless, trade flourishes to such a degree, that the name of a bankrupt in the Gazette, is as rare as a nightingale in Scotland, or a guinea in circulation. Now of all general propositions concerning the real state of profit and loss by foreign trade, the truth is difficult to be proved, when they are true, and the falsehood still more so, when they are false, that is, by direct and specific evidence; because there is an underhand trade, of which no account can be taken, and even the valuation of goods entered for exportation is not measured by the quantity, but by a computed price, and therefore must be at all times problematical; as if, on much the same principle, it might be fairly concluded that he, who eats a pound

of bread, when it costs a penny, must of course eat six times as much, when the same pound costs him sixpence: or as if a baker could prove that he had sold six pounds of bread, because he had made a return of that number of pence to the exciseman. So, at least, I am advised by the learned. A great importation of naval stores or other articles of necessity from the Baltic, and of corn or luxuries from France, of itself proves nothing, but that this country is so much in debt to the enemy, and then the question is whether such import is balanced by an equal or greater exportation of our own commodities to France and Russia, or whether it be overpaid, which would create a credit in our favour, or in what other manner the account is settled. Now a true and satisfactory answer to that question, as I am told, will not be collected exactly from Custom-house statements; but, as I am quite sure, may be safely and certainly derived from another test, which never did, or can deceive us, and which, for the purpose in hand, would make all official accounts unnecessary. Whenever we see the market price of bullion reduced to the level, at which gold and

silver may be coined, we may be satisfied that there is no danger of wanting guineas and shillings for the uses of circulation, of any other, and to make that of paper perfectly safe, as well as convenient; and, if we see the course of exchange, between this and other countries, materially in our favour, we may be equally sure that the trade with those countries is favourable to us, and that there must be an influx of real wealth into Britain. National prosperity proves itself. It may be felt and enjoyed, but cannot be demonstrated. On that subject all other evidence is either fallacious or superfluous. A worthy Knight and Alderman weighs himself mechanically, or out of pure animal curiosity, to know how much he has gained or wasted in solid contents, since he dined at the Mansion-house. This well-fed magistrate, with a florid face, the appetite of a cormorant, and the digestion of an ostrich, has no occasion, as I take it, to send for the doctor to feel his pulse. In all bodies, human, or made of men, spirits and strength are the test of constitution. Genuine health makes no appeal to calculation. But suppose the symptoms in this

case to be notoriously reversed; if specie disappears, if the whole mass of gold, which proved the super-lucration of our trade, and which since His Majesty's accession has been coined into sixty millions sterling, be gone or going, and if bills on the rest of the world, or on Europe, are not to be had but at an exorbitant premium sufficient to make it the interest of the person, who wants to make a remittance, rather to send the amount in specie, than to buy the bill; cunning men may argue, and silly people may listen to them; but neither their arguments nor their documents, with which the plainest questions are sure to be overwhelmed and strangled, ought to have the weight of a feather against the facts. With a glut of paper, intrinsically worth nothing, and representing nothing, you are going headlong into real beggary, while these people tell you that it is just the contrary, and that you never looked better in your life. To comprehend the truth of these propositions, the difficulty is not in the subject, which in fact is intelligible enough to any sound, attentive understanding. But it is involved in artificial

obscurity by many laborious writers, who either do not know how to express themselves in direct terms and honest English, or have some interest to serve by endeavouring to perplex us, and therefore seldom tell us the steps or process between their premises and their conclusion. I do not mean to deny that a paradox *may* be true, though it should contradict a received opinion; but after all, in the consideration of practical questions, the safest way is to be governed by common sense, and, in particular, not to be very ready to believe that nations are sure to thrive and prosper by the same courses, which would ruin an individual, and land him in a jail. " This business of money and coinage is by some men, and amongst them some very ingenious persons, thought a great mystery and very hard to be understood. Not that truly in itself it is so, but because interested people that treat of it, wrap up the secret they make advantage of, in a mystical, obscure, and unintelligible way of talking; which men, from a preconceived opinion of the difficulty of the subject, taking for sense, in a matter not easy to be penetrated, but by the men of art, let pass

~~For current without examination.~~ Whereas, would they look into those discourses, and inquire what meaning their words have, they would find for the most part either their positions to be false, their deductions to be wrong, or (which often happens) their words to have no distinct meaning at all. Where none of these be, there their plain, true, honest sense would prove very easy and intelligible, if expressed in ordinary and direct language."—JOHN LOCKE.

But it is said, lessen the paper in circulation, and that will soon bring back the specie, because then the specie will be wanted; as if wanting any thing were a sure method of getting it. Possibly a diminution of the paper might have that effect in some degree, if the specie were only hoarded within the kingdom, and kept out of sight. But supposing the case to be, that foreigners, who refuse to be paid in paper, have got possession of our gold and silver, or of a great part of it, will they bring it back to purchase that paper because there is less of it in circulation here, and when the article is so much dearer by a reduction of the quan-

tity? No reason occurs why they should do so. Tell us yours, if you have any; and don't leave your own naked, helpless conceptions in the street, or at other men's doors, to shift for themselves, like bastards in a basket. But will foreigners bring back guineas to purchase our produce or commodities? Apparently not; for, even if the ports of the continent were open, they are our creditors already; and whatever value they receive from us, must go, in the first instance, to the discharge or diminution of that debt, which, as long as it continues, will supply them with bills on England, to be had at a very great discount, which is sure to be paid by the debtor.

Without attending to occasional fluctuations in the price of bullion, which, if they are accidental, can only be temporary, what is the true cause of the scarcity of gold and silver in this or any other commercial country, supposing such scarcity to be progressive and likely to be permanent? To this question, in the nature of things, there is but one answer, plain, rational, and everlastingly true. Every thing

she is mere paradoxical juggling, difficult to be understood, and only calculated to confound the understanding of mankind. If any country should constantly, or for a great length of time, import more, for her own consumption, than she exports of her own commodities, the difference or balance of trade against her must be finally made good in specie or bullion. But this is only a part of the present case. In addition to the balance of trade, supposing that to be against us, the balance of all other money transactions with the rest of the world must be added to the commercial deficit. A great foreign expence can only be provided for in one of two ways; either, first, by a credit abroad, equal to all those expences, which credit cannot be had otherwise than by a proportionate profit on your trade, and, if that were the case now, there would be no occasion to export specie. Gold and silver would remain here *in statu quo*, and the Bank of England would never have been under the necessity of stopping payment: or, secondly, you must pay the balance out of the existing wealth or substance of this kingdom. For these services, the foreign

bullion goes first; then go the guineas; for as to silver coin, there is none, other than that of Birmingham, for common change, and lately a few dollars; and even of *them* there is no great plenty, though the Bank say they have issued to the number of 4,817,634 since the year 1797, which shows that most of the old ones have taken wing, and will soon be followed by the rest. They are all alike birds of passage. A lame dollar will be as much a curiosity as a woodcock in August, for the dollars go just like the guineas; and, if so, it proves another thing, which the best dreamers never dreamt of; that raising the nominal value of your coin, won't keep it from travelling. Finally, the plate must follow the guineas, or you must stop short and stop payment; and then, I say that, in spite of Bank-notes and paper circulation, or any agreement among ourselves to receive and pay in that sort of coin, and in spite of a grand sinking-fund into the bargain, the nation must be bankrupt, beggared, and undone, and that we are every day approximating to that conclusion. These propositions, whether true or not, are intelligible.

and, if any great banker, instead of writing an intricate volume, would have the generosity to say *Yes* or *No* to the truth of them, I then should think that he dealt fairly with the subject, and that he had no design to impose upon me by cunning sophistries or endless argumentation.

In the last extremity, and when the facts stare us in the face, and the authors of all the mischief have no subterfuge left, they still have a triumphant way of talking—“*Well, where's the remedy? and what is your advice?*” as if it rested with the patient, whom they have reduced to the point of death, to cure himself; and indeed, if we cannot cure ourselves, there must ere long be an end of us. Now, without regarding any thing said by such people, the question they put is of too much importance not to deserve consideration. On the sober principles of plain reason, there is but one way of answering it. A nation, wasted by a dysentery, is no more to be cured by a charm or a *nostrum*, than a galloping consumption by a specific. You must totally change your system, and alter

your course. The effect of a new regimen, supposing it adhered to, is in its nature slow, and furnishes at best only a reasonable probability of success. But if the patient can neither wait for the remedy, nor endure the disease, the case is desperate, and the less he thinks of it the better. In the plague of Athens, the few, who escaped the infection, determined to enjoy life while it lasted, and, in the midst of disease, desolation, and death, spent all they had left in banquets and festivals. They had singers from Magna Græcia, and dancers from Gaul, who received an Attic talent, or 193*l.* 15*s.* every month for their trouble, which in those times was reckoned a high salary.

Some persons think that the Bank should immediately be compelled to pay their notes in specie, on demand, as in strict justice they ought to do; but, in the first place, it may fairly be suspected that it is not in their power. In all probability, the guineas, they may still have in reserve, would not answer a tenth part of their notes in circulation, and, in the present state of

things, whatever specie they issued would soon disappear. If, for example, they were to issue a million of guineas to-morrow; they would all vanish. Some would be hoarded, more would be melted, and all the rest be exported; and this must for ever be the case, as long as our expences abroad far exceed our commercial credit with other nations; and if, in addition to those expences, the balance of trade be also against us, it is fit we should be told, in plain terms, how those expences and that balance are to be made good. Then what resource is left to save us from beggary? There is but one, if we have strength and stamina left to wait the effect of it. The nation must tread back its steps, and reverse its proceedings in the same path, which has brought it to its present decline. Stop your foreign expences. Sell more than you buy; and then the wealth, that has left you, will gradually come back again. When the foreign account is against you, the gold and silver must go to balance it; when that balance is reversed, the gold and silver will return; but never till then, or by any other means.

This is up-hill work I know, but this and nothing else can save us.

A war of fifteen years continuance seems to have been quite long enough for an experiment, and might invite us to try whether it might not be possible for a commercial nation to breathe or float in another element. Not that I mind what is called the mercantile interest in the city. They are the loudest advocates of war, because they all gain by it more or less, though not at all in the true character of merchants. But, granted; war is no longer a calamity; or at worst it is a necessary evil, incident to the system. It is the physic and phlebotomy, that clears the intestines and opens the veins, and saves the body politic from bursting of a plethora. Agreed. It is fit, I suppose, because it always happens, that feeble reason should give way to vigorous insanity. But what sort of war do you mean now? What! still a continental war! after the desolation and conquest of Spain, are we really so wicked and abandoned, as still to set up a sham defence of Portugal, for no conceivable purpose, but to bar that unfortunate

country from some timely capitulation that might shelter it from the last of all human calamities, from being taken by assault, with no possible escape from conquest but emigration, nor even from utter destruction but in a hopeless appeal to the mercy of the sword? The measure in agitation supposes that Portugal, *rebus sic stantibus*, can be defended by British assistance. If that be the war you mean, it is worse than all the rest; because it stands on an assumption, which you know to be false. The continent is gone; you know it is irretrievably gone; while your act supposes that some part of it may still be recovered or preserved. Not that I deny, that peace, obtained by these ministers, might be just as calamitous as war. In their hands, a war of folly could end in nothing but a peace of submission. I will not, even in thought, be party to so base a conclusion. If peace is not to be had with honour and security, by which, I mean an effective, though not, perhaps, a formal security against the latent growth of means and power to invade us;—if that be the only alternative, there is no option. Let the war take its course; or, as I heard Lord

Chatham declare in the House of Lords, with a monarch's voice, LET DISCORD PREVAIL FOR EVER. I do believe, that peace, secure in this sense, might be obtained; at least it ought to be attempted, not for the sake of putting Buonaparte in the wrong;—a lost hope—

“Created things not value he, nor fears;”

but to show us positively what we have to trust to. Yet if it were possible to be admitted to talk to him, supposing the continental question to be given up, I think he might be convinced that it is essentially his own interest to suffer the world to be quiet, if it were only for seven years. At all events you *must* put a stop to your foreign expences. The nation not only bleeds from its arteries, but a considerable portion of its substance is poured into the hands of its enemies, and employed against you. You pay £700,000 a year to fill a sponge, which Buonaparte squeezes into his own treasury, whenever he pleases. Nay, the holders of foreign stock are not even called upon to contribute to the protec-

tion of their own property in our funds; for some good reason or other, well known to *some gentlemen* in the city.

Industry and economy, protected by peace, would gradually bring back gold and silver, without which, no nation, having a perpetual and unavoidable intercourse of dealing with the rest of the world, can be rich.

If we had power to extort, or influence to obtain a direct answer from persons, who hold a flourishing language about the actual riches of Britain, and its prosperous dealings with foreign states, we might be contented to ask them this plain question : “ Can *you*, or any of you, or all of you put together, name that commercial house, or place, on the continent, where you have a sufficient credit, arising from your sales of British goods, to entitle you to draw on such foreign house even for so small a sum as one hundred thousand pounds at par, with a certainty that your bills will be honoured ? ” If you have no such credit any where, then it is plain that the continent is not debtor to England, which it must be

if we furnished them with goods, ~~to~~ the double or treble amount, as you say, of what we take from them.

By your own showing, if it were true, you ought to sell your bills at a discount, and be thankful to any body, who would give you money for them, almost at any rate. Has the reader already forgot the sufferings of Sir John Moore and his army, at Salamanca, in November 1808? Let him read the following extracts, and recollect what was even then the state of our credit in Spain and Portugal, and conjecture, if he can, what has happened since to give us a credit there or any where else on the continent.

10 Nov. 1808.—“ We are now in the greatest distress for money ; and, if a quantity does not speedily arrive from England, we must depend on the generosity of the Spaniards for our supplies. I doubt at present if there is wherewithal, after the 24th of this month, to pay the troops their subsistence. I fear that in England, until very lately, they were not aware of the impossi-

~~Ability~~ of procuring money either in Portugal or Spain."

Nov. 16.—"If money is to be found, such are our necessities we must get it on *any* terms!"

Speaking of the disposition of the people of Salamanca, he says, Nov. 19: "All this shows great good will. The funds, however, which it can raise, are small, and very inadequate to our wants. Lord Castle-reagh says, that two millions of dollars are on their passage to Corunna, but that the difficulty of procuring silver is such *in England*, that I must not look for a further supply for some months."

Dec. 1.—"Such is our want of money that, if it can be got at a hundred per cent., we *must* have it; do therefore, if possible, send me some *at any rate!*"

In addition to all this evidence, which one would think were enough to convince an infidel; we often see in the newspapers an account of the capture of cargoes of

guineas in a course of exportation, and falling into the hands of captors, who would willingly dispose of them in the same manner if they could, and exactly for the same reason, viz. because there is an exorbitant profit on the exportation of the said guineas. The laws, it is true, prohibit melting or exporting the current coin: but, with respect to offences impossible to be prevented, and so little open to detection, what signify positive laws or penalties, and especially when the object of them is not a crime in itself? If gold be a commodity, as the merchant says it is, why not sell it for the utmost price like any other property? But, in a particular form, it ceases to be a commodity, and then you must not dispose of it to the best bidder. Why not? Because it would be a positive offence; for, as to any moral difference between melting a guinea, and an ingot, I do not see how it can be proved: either of them is just as much my property as the other. But what is property without the power of using or disposing of it as I think fit? The reader, I trust, will not suspect me of providing a shelter for any practice of my own. I really did

~~never~~ melt a guinea in a crucible, though many of them have melted in my hands. Against clipping or sweating the current coin, there is or may be an effectual remedy. A general resolution to take light guineas only by their weight, would soon put an end to the crime in that form ; for crime it is, and they who practise it are thieves. After all, this is but an empty argument, *de non apparentibus* ; and one of the surest proofs, though not a direct one, of the extraction of all the gold, is, that there are no *light* guineas in common circulation. Light or heavy, they all emigrate, with this difference only, against the general laws of motion, that the heaviest march first, and leave the sick and wounded to follow. Here and there a few fugitive guineas make their escape *in transitu* ; but, sooner or later, the leaders and the followers are equally taken prisoners, or desert to the enemy. Still we have it from authority, that there never was or will be such a flourishing export trade as that of England ;—that it cannot be checked by the power of Buonaparte, and that the natives of France, Holland, Germany, &c., sooner than not buy our ma-

manufactures, not only would risque the confiscation, but expose themselves to corporal punishment. It may be so ; but to believe it without evidence, if any man does believe it, seems to require a vigorous credulity.

I do not mean to deny that individuals in great numbers thrive by the prodigality of Government, and fatten on the public spoil. The fact is sufficiently known, though little felt ; because a very symptomatic insensibility to this and every other national concern, prevails more or less over the whole empire. The evil of the day is sufficient to occupy a degraded population, who, thinking of nothing but how to exist on any terms, how to pay taxes, or how to evade them, gradually sink into indifference about every thing but the enjoyment or distress of the moment. *Panem et Circenses.* As if we had converted our whole inheritance into an annuity, and had nothing but a life-interest in the salvation of the country. Even that base calculation may fail under the selfish being who trusts to it. No man, who is not superannuated already, can be sure that the thing he calls England, and by

which he means nothing but the stocks, will survive even himself. Such apathy, wherever it prevails, is a sure forerunner of national baseness first, and then of ruin. The sensation of pain, is the providential warning against danger, the sentry or outpost, that gives notice of the approach of an enemy. The patient, who feels none, or who is suddenly relieved from it, or who by intoxication has deadened his senses, knows nothing of his own case, and dies of a mortification below, with a languid flush in his face that looks like a return of health. To reduce a nation to this state, many moral causes contribute; but, practically none more than excessive taxation. Domestic difficulties depress the mind, and prepare it to look for relief, not in any energy of its own, but in some possible change of position, in the chapter of accidents, or in submitting with indifference to any change of power. Lord Bacon says, *Nunquam fiet ut populus, tributis oppressus, fortis existat et bellicosus.* Then comes the habit, which sooner or later forms the character. A constant inclination in a perverse direction will make a nation, as well

as a plant, take an unnatural bent, until, by gradually weakening the spring that might redress it, they both grow downward with their own consent.

With these objects in the mind, and all the consequences in view, it is difficult to refrain from adverting to the general state and actual conduct of public affairs. Believing, as I do, that some internal catastrophe hangs over us, which might possibly be averted or provided for by wisdom at the helm, but which ignorance and folly can only accelerate, I call on the nation to look at their government. Is it an abuse to be endured, that any set of men, with no other title or shelter but the word *prerogative*, should dare to hold and retain the executive power of the state, with a hundred Peers protesting against them, without the confidence of the House of Commons, and themselves on their trial at the bar of that House! At the public shame of such a sight, indignation sickens into scorn. Resentment dies of contempt. *Such authors of such ruin take away all dignity from distress, and make calamity ridiculous.*

The ancient maxim of criminal justice, was, "*ut metus ad omnes, pœna ad paucos perveniret*;" that the few might be punished, and the many be deterred. In the present practice, this wholesome relation of guilt and punishment is inverted. The few escape, and the multitude suffer. The highwayman is guilty of violence and injustice, but not of breach of trust. When he is detected and taken, would you pardon him the robbery, because at last he offered to return the watch or the purse, or as many of the guineas as he had not made away with? The crimes of individuals, however enormous, are not necessarily mortal to great communities. The death of nations is impunity. Still we are lulled with fine promises, and flattering prospects. Hope is a dangerous narcotic, and not only sets the mind asleep, but, like opium to the Turks, furnishes the brain with many delightful visions. Thus it is, that a nation may walk in its sleep, until it reaches the edge of a precipice without the power of turning back. These treacherous delusions are mortal symptoms. When nothing but a drastic resolution can save the patient, false hope

supplies him with palliatives, and bars the last extremity of its last resource, by the exclusion of despair.

Not long ago an opportunity came of itself, of stating some new opinions of my own on the subject of a reform of the House of Commons, to a member of parliament, of whose integrity no man can be better satisfied than I am. I took the liberty of saying to him; "Sir, do whatever you think right, for its own sake, and never look to popularity for support or reward. The very people, whom you serve, may be turned at any moment against you, by a cry or a signal, and run you down for your pains. Your own hounds, any fine morning, had just as lief hunt the huntsman as the hare. As to parliamentary reform, I have tried it enough to be convinced that it never can be adopted on any sound principle, that would at once be safe in its operation, and effective to its purpose. The people are well enough represented. The milk throws up the cream. No change in the form will mend the materials. I am sure you will find it, as I

have done, a vain attempt to build Grecian temples with brickbats and rubbish." This anecdote is nothing to the present purpose, but it may answer some other.

Let no man believe that I have not sense enough left to feel that these faint ideas, the languid produce of an impoverished mind, left to fallow without manure, hardly deserve the name of reflections. But, such as they are, they may perhaps lead others to a right course of thinking on the subject they relate to. The expiring lamp, that glimmers on a post, shows the passenger his way. He, who grows the flax or the wool, is of some little service to art and industry of a higher order, tho' he cannot manufacture the articles himself. Even this insipid essay will not be quite unprofitable, if it furnishes materials to greater abilities, and helps to set some superior understanding at work. At all events, I am not holding a new language to serve a present turn. On the 31st of March 1806, I attempted to make what is called a speech in the House of Commons, on the effect of an exorbitant paper circula-

tion, as I then understood it. My opinion of course made no impression; for I was honoured with an audience, which cared just as much about the subject as the person.

A short extract from that speech will therefore have the merit of novelty with those, who read it now; for, tho' it has been long in print, I see no reason to suspect that any body has hitherto perused it but myself.

“ I know that there did never exist such a scene of expence and luxury, and of unbounded dissipation of fortune, as London exhibits. If extravagance and profusion are a proof of wealth, we need not look further. The proof is equal to the proposition, and exceeds it. Reflecting men, I believe, will not trust implicitly to these appearances. In fact, they can only be accounted for by a glut of factitious riches. No man wastes a real property at this rate. No man parts with gold and silver with the same facility, with which he squanders a pretended security in rags, which he knows he cannot change into specie. The circulation

of this paper, however, as long as it lasts, gives life and activity to all the means of immediate enjoyment. It is true. They, who are satisfied with the present, are not likely to consider the consequence. Others perhaps may submit to be better taught by experience. The history of France furnishes an example in point, on a great, but still on a very inferior scale. There never was a period of such extravagant expence and riotous profusion in Paris, as in the days that preceded the fall of the royal bank, in 1719. France was deluged with paper, as we are. Suddenly the credit of the bank failed. Down went the paper, down went Paris, and down went France." Adverting to the same transaction, Sir James Stewart says, that, "an ill-concerted system of credit may bring ruin on a nation, altho' fraud be out of the question; and, if a nation be plunged into all the calamities, which a public bankruptcy can occasion, it is but a small consolation to be assured of the good intentions of those, who were the cause of it. On the 27th of February 1720, an *arrêt* was published, forbidding any

person to keep by them more than 500 livres in coin (or £10 sterling). This was plainly annulling the obligation in the Bank-paper, to pay to the bearer, on demand, the sum specified, in silver coin. On the 22d of May, a man might have starved with 100 millions of paper in his pocket."

In better times, while feeling was alive, and when reason was animated by passion, these incentive materials might have furnished some force of thought, and energy of language. But age and infirmities have done their office, and their worst. *Plurima de nobis anni*. The reader, who believes my intention to be good, will make allowance for the natural effects and progress of decay. Any account, if it be honest, has fairly a claim to *errors excepted*. A man of my age may still be in his senses, when his senses are good for nothing. With a callous heart, there can be no genius in the imagination or wisdom in the mind, and therefore the prayer, with equal truth and sublimity, says, "Incline our hearts unto

wisdom." Resolute thoughts find words for themselves, and make their own vehicle. Impression and expression are relative ideas. He, who feels deeply, will express strongly. The language of slight sensations is naturally feeble and superficial.

APPENDIX.

I.

BANK-STOCK.

In June 1799, a bonus was given of 10 per cent. Loyalty Five per Cent.

In May 1801, ditto £5 Navy Five per Cent. stock.

Nov. 1802, ditto 2½ ditto.

Oct. 1804, ditto 5 per cent. cash.

Oct. 1805, ditto.

Oct. 1806, ditto.

And in April 1807, the dividend was raised to ten per cent. ; which, with the payment of the property-tax, makes eleven per cent. regular interest. Yet all this put together, exhibits no criterion to form a conjecture of the real amount of their profits.

II.

On the 12th of January 1810, the Bank Paper issued amounted to £21,406,930.

III.

On the 12th of January 1809, } £ 4,305,920
 Amount of notes under £ 5 }
 Ditto on the 12th of Jan. 1810 £ 5,854,170

Increase of one and two pound } £ 1,548,250
 notes, in one year . . . }

IV.

*Return of the Importation of Wheat and Oats into
 London alone, from the 1st of August 1809, to
 31st January 1810, from foreign Countries.*

	Qrs. Wheat.	Qrs. Oats.
In August - - -	3,010	13,100
September - - -	5,700	6,100
October - - -	19,000	12,900
November - - -	48,000	22,000
December - - -	26,000	5,400
	<hr/>	<hr/>
	102,610	59,500
1810. In January	145,000	36,700
	<hr/>	<hr/>
	247,610	96,200

Value of 247,610 Quarters }
 Wheat, at 100s. . . . } £ 1,238,050

Value of 96,200 Quarters }
 Oats, at 30s. . . . } £ 141,300

£ 1,382,350

OBSERVATIONS

ON THE

CRIMINAL LAW OF ENGLAND.

OBSERVATIONS

ON THE

CRIMINAL LAW OF ENGLAND,

AS IT RELATES TO

CAPITAL PUNISHMENTS,

**AND ON THE MODE IN WHICH IT IS
ADMINISTERED.**

BY SIR SAMUEL ROMILLY.

LONDON :

**PRINTED BY J. M'CREECHY, BLACK-HORSE-COURT,
FOR T. CADELL AND W. DAVIES, STRAND.**

1810.

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ADVERTISEMENT.

THE following Observations contain the substance of a Speech^d delivered in the House of Commons on the 9th Feb. 1810, on moving for leave to bring in bills to repeal the Acts of 10 and 11 Will. III. 12 Ann, and 24 Geo. II., which make the crimes of stealing privately in a shop, goods of the value of five shillings; or in a dwelling-house, or on board a vessel in a navigable river, property of the value of forty shillings, capital felonies. Some arguments are added, which on that occasion were suppressed, that the patience of the House might not be put to too severe a trial. The attempt to refute Dr. Paley in particu-

lar, is here considerably enlarged. The arrangement of these observations is certainly very defective; they contain repetitions which might have been avoided, and inaccuracies of style which might have been corrected, if the Author's occupations would have allowed of his rendering this pamphlet as little unworthy of being offered to the public as he could have wished : but to be useful, it was necessary that this publication should appear before the fate of the bills, which are now depending in parliament, was decided; and his only object in publishing it is, that it may be useful.

OBSERVATIONS, &c.

THERE is probably no other country in the world in which so many and so great a variety of human actions are punishable with loss of life as in England. These sanguinary statutes, however, are not carried into execution. For some time past the sentence of death has not been executed on more than a sixth part of all the persons on whom it has been pronounced, even taking into the calculation crimes the most atrocious and the most dangerous to society, murders, rapes, burning of houses, coining, forgeries, and attempts to commit murder. If we exclude these from our consideration, we shall find that the proportion which the number executed bears to those convicted is, per

haps, as one to twenty : and if we proceed still further, and, laying out of the account burglaries, highway robberies, horse-stealing, sheep-stealing, and returning from transportation, confine our observations to those larcenies, unaccompanied with any circumstance of aggravation, for which a capital punishment is appointed by law, such as stealing privately in shops, and stealing in dwelling-houses and on board ships, property of the value mentioned in the statutes, we shall find the proportion of those executed reduced very far indeed below that even of one to twenty.

This mode of administering justice is supposed by some persons to be a regular, matured, and well-digested system. They imagine, that the state of things which we see existing, is exactly that which was originally intended ; that laws have been enacted which were never meant to be regularly enforced, but were to stand as objects of terror in our statute-book, and to be called into action only occasionally, and under extraordinary circumstances, at the discretion of the judges. Such being supposed to be our criminal system, it is not surprising that there should have been found ingenious men to defend

and to applaud it. Nothing, however, can be more erroneous than this notion. Whether the practice which now prevails be right or wrong, whether beneficial or injurious to the community, it is certain that it is the effect not of design, but of that change which has slowly taken place in the manners and character of the nation, which are now so repugnant to the spirit of these laws, that it has become impossible to carry them into execution.

There probably never was a law made in this country which the legislature that passed it did not intend should be strictly enforced. Even the Act of Queen Elizabeth, which made it a capital offence for any person above the age of fourteen to be found associating for a month with persons calling themselves Egyptians, the most barbarous statute, perhaps, that ever disgraced our criminal code, was executed down to the reign of King Charles the first, and Lord Hale mentions 13 persons having in his time been executed upon it at one assizes. It is only in modern times that this relaxation of the law has taken place, and only in the course of the present reign that it has taken place to a considerable degree. If we look back to remote

times, there is reason to believe that the laws were very rigidly executed. The materials, indeed, from which we can form any judgment on this subject, are extremely scanty; for in this, as in other countries, historians, occupied with recording the actions of princes, the events of wars, and the negotiations of treaties, have seldom deigned to notice those facts from which can be best collected the state of morals of the people, and the degree of happiness which a nation has at any particular period enjoyed. Sir John Fortescue, the chief justice, and afterwards the chancellor of Henry VI., in a very curious tract on absolute and limited monarchy, in which he draws a comparison between England and France, says, that at that time more persons were executed in England for robberies in one year than in all France in seven. In the long and sanguinary reign of Henry VIII. it is stated by Hollinshed that 72,000 persons died by the hands of the executioner, which is at the rate of 2,000 in every year. In the time of Queen Elizabeth, there appears to have been a great relaxation of the penal laws, but not on the part of the crown; and Sir Nicholas Bacon, the lord keeper, in an earnest complaint which he makes to parliament on the subject, says,

“ it remains to see in whose default this is;” and he adds, “ certain it is, that her Majesty “ leaveth nothing undone meet for her to do for “ the execution of laws;”* and it is related, that in the course of her reign 400 persons were upon an average executed in a year.

These statements, however, it must be admitted, are extremely vague and uncertain, and it is not till about the middle of the last century that we have any accurate information which can enable us to compare the number capitally convicted with the number executed. Sir Stephen Janssen, who was chamberlain of London, preserved tables of the convicts at the Old Bailey and of the executions. These tables have been published by Mr. Howard, and they extend from 1749 to 1772. From them it appears, that in 1749 the whole number convicted capitally in London and Middlesex was 61, and the number executed 44, being above two-thirds. In 1750 there were convicted 84, and executed 56; exactly two-thirds. In 1751, convicted 85, executed 63; about three-fourths. In the seven years which elapsed, from 1749 to 1756 inclu-

* D'Ewes's Journ. 234.

sive, there were convicted 428, executed 306: rather less than three-fourths. From 1756 to 1764, of 236 convicted, 139 were executed; being much more than half. From 1764 to 1772, 457 were convicted, and of these 233 were executed; a little more than half. From this period to 1802 there has not been published any accurate statement on this subject. But from 1802 to 1808 inclusive, there have been printed, under the direction of the Secretary of State for the Home Department, regular tables of the number of persons convicted capitally; and of those on whom the law has been executed; and from these we find, that in London and Middlesex, the numbers are as follows:

	Convicted.	Executed.		
In 1802	- - 97	- - 10	about	1-10th
1803	- - 81	- - 9	—	1-9th
1804	- - 66	- - 8	about	1-9th
1805	- - 63	- - 10	about	1-6th
1806	- - 60	- - 13	about	1-5th
1807	- - 74	- - 14	about	1-5th
1808	- - 87	- - 3	—	1-29th
<hr/>				
Total	- 528	67	rather more than 1-8th	

It appears, therefore, that at the commencement of the present reign, the number of convicts executed exceeded the number of those who were pardoned; but that at the present time, the number pardoned very far exceeds the number of those who are executed. This lenity I am very far from censuring; on the contrary, I applaud the wisdom as well as the humanity of it. If the law were unremittingly executed, the evil would be still greater, and many more offenders would escape with full impunity: much fewer persons would be found to prosecute, witnesses would more frequently withhold the truth which they are sworn to speak, and juries would oftener in violation of their oaths acquit those who were manifestly guilty. But a stronger proof can hardly be required than this comparison affords, that the present method of administering the law is not, as has been by some imagined, a system maturely formed and regularly established, but that it is a practice which has gradually prevailed, as the laws have become less adapted to the state of society in which we live.

There is no instance in which this alteration in the mode of administering the law has been

more remarkable, than in those of privately stealing in a shop or stable, goods of the value of five shillings, which is made punishable with death by the statute of 10 and 11 William III., and of stealing in a dwelling-house property of the value of forty shillings, for which the same punishment is appointed by the statute of 12 Anne, and which statutes it is now proposed to repeal. The exact numbers cannot, from any thing that has hitherto been published, be correctly ascertained; but from Sir Stephen Janssen's tables it appears, that after laying out of the calculation the numbers convicted of murder, burglary, highway robbery, forgery, coining, returning from transportation, and fraudulent bankruptcies, there remains convicted at the Old Bailey of shop-lifting and other offences of the same nature, in the period from 1749 to 1771, 240 persons, and of those no less than 109 were executed.

What has been the number of persons convicted of those offences within the last seven years does not appear; but from the tables published under the authority of the Secretary of State, we find that within that period there were committed to Newgate for trial, charged

with the crime of stealing in dwelling-houses, 599 men and 414 women ; and charged with the crime of shop-lifting, 506 men and 353 women ; in all 1,872 persons, and of these only one was executed.

In how many instances such crimes have been committed, and the persons robbed have not proceeded so far against the offenders as even to have them committed to prison : how many of the 1,872 thus committed were discharged, because those who had suffered by their crimes would not appear to give evidence upon their trial : in how many cases the witnesses who did appear withheld the evidence that they could have given : and how numerous were the instances in which juries found a compassionate verdict, in direct contradiction to the plain facts clearly established before them, we do not know ; but that these evils must all have existed to a considerable degree, no man can doubt.

Notwithstanding these facts, however, and whether this mode of administering justice be the result of design or of accident, there are many persons who conceive that it is upon the whole wise and beneficial to the community.

It cannot, therefore, but be useful to examine the arguments by which it is defended. Discussions on such subjects are always productive of good. They either lead to important improvements of the law, or they afford additional reasons for being satisfied with what is already established.

It is alleged by those who approve of the present practice, that the actions which fall under the cognizance of human laws are so varied by the circumstances which attend them, that if the punishment appointed by the law were invariably inflicted for the same species of crime, it must be too severe for the offence, with the extenuating circumstances which in some instances attend it, and it must in others fall far short of the moral guilt of the crime, with its accompanying aggravations: that the only remedy for this, the only way in which it can be provided that the guilt and the punishment shall in all cases be commensurate, is to announce death as the appointed punishment, and to leave a wide discretion in the judge of relaxing that severity, and substituting a milder sentence in its place.

If this be a just view of the subject, it would render the system more perfect, if in no case specific punishments were enacted, but it were always left to the judge, after the guilt of the criminal had been ascertained, to fix the punishment which he should suffer, from the severest allowed by our law to the slightest penalty which it knows: and yet what Englishman would not be alarmed at the idea of living under a law which was thus uncertain and unknown; and of being continually exposed to the arbitrary severity of a magistrate? All men would be shocked at a law which should declare that the offences of stealing in shops or dwelling-houses, or on board ships, property of the different values mentioned in the several statutes, should in general be punished with transportation, but that the King and his judges should have the power, under circumstances of great aggravation, respecting which they should be the sole arbiters, to order that the offender should suffer death; yet such is in practice the law of England.

In some respects, however, it would be far better that this ample and awful discretion should be formally vested in the judges, than

that the present practice should obtain ; for it would then be executed under a degree of responsibility which does not now belong to it. If a man were found guilty of having pilfered in a dwelling-house, property worth forty shillings, or in a shop that which was of the value only of five shillings, with no one circumstance whatever of aggravation, what judge whom the constitution had intrusted with an absolute discretion, and had left answerable only to public opinion for the exercise of it, would venture for such a transgression to inflict the punishment of death : but if in such a case, the law having fixed the punishment, the judge merely suffers that law to take its course, and does not interpose to snatch the miserable victim from his fate, who has a right to complain ? A discretion to fix the doom of every convict, expressly given to the judges, would in all cases be most anxiously and scrupulously exercised ; but appoint the punishment by law, and give the judge the power of remitting it, the case immediately assumes a very different complexion. A man is convicted of one of those larcenies made capital by law, and is besides a person of very bad character. It is not to such a man that mercy is to be extended ; and, the sentence

of the law denouncing death, a remission of it must be called by the name of mercy ; the man, therefore, is hanged ; but in truth it is not for his crime that he suffers death, but for the badness of his reputation. Another man is suspected of a murder, of which there is not legal evidence to convict him ; there is proof, however, of his having committed a larceny to the amount of forty shillings in a dwelling-house, and of that he is convicted. He, too, is not thought a fit object of clemency, and he is hanged, not for the crime of which he has been convicted, but for that of which he is only suspected. A third upon his trial for a capital larceny attempts to establish his innocence by witnesses whom the jury disbelieve, and he is left for execution, because he has greatly enhanced his guilt by the subornation of perjured witnesses. In truth, he suffers death, not for felony, but for subornation of perjury, although that be not the legal punishment of this offence.

If so large a discretion as this can safely be intrusted to any magistrates, the legislature ought at least to lay down some general rules to direct or assist them in the exercise of it, that

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there might be, if not a perfect uniformity in the administration of justice, yet the same spirit always prevailing, and the same maxims always kept in view; and that the law, as it is executed, not being to be found in any written code, might at least be collected with some degree of certainty from an attentive observation of the actual execution of it. If this be not done, if every judge be left to follow the light of his own understanding, and to act upon the principles and the system which he has derived partly from his own observation, and his reading, and partly from his natural temper and his early impressions, the law, invariable only in theory, must in practice be continually shifting with the temper, and habits, and opinions of those by whom it is administered. No man can have frequently attended our criminal courts, and have been an attentive observer of what was passing there, without having been deeply impressed with the great anxiety which the judges feel to discharge most faithfully their important duties to the public. Their perfect impartiality, their earnest desire in every case to prevent a failure of justice, to punish guilt, and to protect innocence, and the total absence

with them of all distinctions between the rich and the poor, the powerful and the unprotected, are matters upon which all men are agreed. In these particulars the judges are all actuated by one spirit, and the practice of all of them is uniform. But in seeking to attain the same object, they frequently do, and of necessity must, from the variety of opinions which must be found in different men, pursue very different courses. The same benevolence and humanity, understood in a more confined or a more enlarged sense, will determine one judge to pardon and another to punish. It has often happened, it necessarily must have happened, that the very same circumstance which is considered by one judge as matter of extenuation, is deemed by another a high aggravation of the crime. The former good character of the delinquent, his having come into a country in which he was a stranger to commit the offence, the frequency or the novelty of the crime, are all circumstances which have been upon some occasions considered by different judges in those opposite lights : and it is not merely the particular circumstances attending the crime, it is the crime itself, which different judges sometimes consider in quite different points of view.

Not a great many years ago, upon the Norfolk circuit, a larceny was committed by two men in a poultry yard, but only one of them was apprehended; the other having escaped into a distant part of the country, had eluded all pursuit. At the next assizes the apprehended thief was tried and convicted; but Lord Loughborough, before whom he was tried, thinking the offence a very slight one, sentenced him only to a few months imprisonment. The news of this sentence having reached the accomplice in his retreat, he immediately returned, and surrendered himself to take his trial at the next assizes. The next assizes came; but, unfortunately for the prisoner, it was a different judge who presided; and still more unfortunately, Mr. Justice Gould, who happened to be the judge, though of a very mild and indulgent disposition, had observed, or thought he had observed, that men who set out with stealing fowls, generally end by committing the most atrocious crimes; and building a sort of system upon this observation, had made it a rule to punish this offence with very great severity, and he accordingly, to the great astonishment of this unhappy man, sentenced him to be transported. While one was taking his departure for Botany Bay, the term of the other's impri-

sonment had expired ; and what must have been the notions which that little public, who witnessed and compared these two examples, formed of our system of criminal jurisprudence ?

In this uncertain administration of justice, not only different judges act upon different principles, but the same judge, under the same circumstances, acts differently at different times. It has been observed, that in the exercise of this judicial discretion, judges, soon after their promotion, are generally inclined to great lenity ; and that their practical principles alter, or, as it is commonly expressed, they become more severe as they become more habituated to investigate the details of human misery and human depravity.

Let us only reflect how all these fluctuations of opinion and variations in practice must operate upon that portion of mankind, who are rendered obedient to the law only by the terror of punishment. After giving full weight to all the chances of complete impunity which they can suggest to their minds, they have besides to calculate upon the probabilities which there are, after conviction, of their escaping a

severe punishment; to speculate upon what judge will go the circuit, and upon the prospect of its being one of those who have been recently elevated to the bench. As it has been truly observed, that most men are apt to confide in their supposed good fortune,* and to miscalculate as to the number of prizes which there are in the lottery of life, so are those dissolute and thoughtless men, whose evil dispositions penal laws are most necessary to repress, much too prone to deceive themselves in their speculations upon what I am afraid they accustom themselves to consider as the lottery of justice.

Let it at the same time be remembered, that it is universally agreed, that the certainty of punishment is much more efficacious than any severity of example for the prevention of crimes. Indeed this is so evident, that if it were possible that punishment, as the consequence of guilt, could be reduced to an absolute certainty, a very slight penalty would be sufficient to prevent almost every species of crime, except those which arise from sudden gusts of ungovernable passion. If the restoration of the property stolen, and only a few weeks, or even a few days imprisonment, were the unavoidable conse-

quence of theft, no theft would ever be committed. No man would steal what he was sure that he could not keep; no man would, by a voluntary act, deprive himself of his liberty, though but for a few days. It is the desire of a supposed good which is the incentive to every crime: no crime, therefore, could exist, if it were infallibly certain that not good, but evil must follow, as an unavoidable consequence to the person who committed it. This absolute certainty, however, is unattainable, where facts are to be ascertained by human testimony, and questions are to be decided by human judgments. All that can be done is, by a vigilant police, by rational rules of evidence, by clear laws, and by punishments proportioned to the guilt of the offender, to approach as nearly to that certainty as human imperfection will admit.

There is another point of view in which this matter may be considered; and which will make it evident that it would be more expedient that the judges should have the power vested in them by law, of appointing the punishment of every offence after it had been established with all its circumstances in proof, and of proportion-

ing the particular nature and degree of the punishment to those circumstances, than that, for such offences as I am speaking of, so severe a punishment should be fixed by law, with a power left in the judges according to circumstances, to relax it. *In the former case it is highly probable that the discretion would in practice be exercised by none but the judges, that is, by magistrates, accustomed to judicial investigations, fully aware of the importance of the duties which they are called on to discharge, and who from the eminence of their stations, are, and cannot but be sensible, that they are under a very great degree of responsibility to the public. According to the practice which now prevails, this most important discretion is constantly assumed by persons to whom the constitution has not intrusted it, and to whom it certainly cannot with the same safety be intrusted; by prosecutors, by juries, and by witnesses. Though for those thefts which are made capital by law, death is seldom in practice inflicted; yet as it is the legal appointed punishment, prosecutors, witnesses, and juries, consider death as that which, if it will not with certainty, yet possibly may be the consequence, of the several parts which they have to

act in the judicial proceeding: and they act their parts accordingly, though they never can, in this indirect way, take upon themselves to prevent the execution of the law, without abandoning their duty; and in the case of jurymen and witnesses, without a violation of their oaths.*

There is still another view which may be taken of this subject, and which is perhaps more important than those which have been already considered. The sole object of human punishments, it is admitted, is the prevention of crimes; and to this end, they operate principally by the terror of example. In the present system, however, the benefit of example is entirely lost, for the real cause of the convict's execution is not declared in his sentence, nor is it in any other mode published to the world. A man is publicly put to death. All that is told to the spectators of this tragedy, and to that part of the public who hear or who read of it, is, that he stole a sheep, or five shillings worth of goods privately in a shop, or that he pilfered to the value of forty shillings from his employer in a dwelling-house, and they are left in total ignorance that

* Note A.

the criminal produced upon his trial perjured witnesses to prove an alibi, or some other defence, and that it is for that aggravation of his crime that he suffers death. The example cannot operate to prevent subornation of witnesses to establish a false defence, for it is not known to any but those who were present at the trial, that such was the offender's crime ; neither can it operate to prevent sheep-stealing, or privately stealing in a shop, or larceny in a dwelling-house, because it is notorious that these are offences for which, if attended with no aggravating circumstances, death is not in practice inflicted. Nothing more is learned from the execution of the sentence, than that a man has lost his life because he has done that which by a law not generally executed, is made capital, and because some unknown circumstance or other existed either in the crime itself, or in the past life of the criminal, which in the opinion of the judge who tried him, rendered him a fit subject to be singled out for punishment. Surely if this system is to be persevered in, the judge should be required in a formal sentence to declare why death is inflicted, that the sufferings and the privations of the individual might be rendered useful to society in deterring others

from acting as he has done, and drawing on themselves a similar doom. The judge would undoubtedly be required to do this if the discretion which he exercises in point of fact, were expressly confided to him by law. But unfortunately, as the law stands, he is supposed not to select for capital punishment, but to determine to whom mercy shall be extended; although these objects of mercy, as compared with those who suffer, are in the proportion of six to one. Were recorded reasons to be required of the judge, it will be said, they must be his reasons for extending mercy, which is his act, not his reasons for inflicting punishment, which is the act of the law: an additional proof of the mischief which results from leaving the theory and the practice of the law so much at variance.

In truth, where the law which is executed is different from that which is to be found in the written statutes, great care should be taken to make the law which is executed known, because it is that law alone which can operate to the prevention of crimes. An unexecuted law can no more have that effect, than the law of a foreign country; and the only mode that can be

adopted for making known the law which is executed, is that of stating in a written sentence the circumstances which have rendered the crime capital. Such written sentences, like the reported decisions upon the common law, would stand in the place of statutes. It must, however, be admitted, that it would be still more desirable, that instead of having recourse to such substitutes, the law should be embodied in written statutes.

Another consequence of the present system is, that it deprives juries of the most important of their functions, that of deciding upon facts on which the lives of their fellow-subjects are to depend. The circumstance of aggravation, whatever it be, for which the judge inflicts the punishment of death, in reality constitutes the crime for which he suffers. If, for example, the judges made it an invariable rule to leave for execution every man convicted of highway-robbery, who had struck or done any injury to the person of the party robbed, and to inflict only the punishment of transportation, for robbery unattended with such violence, the effect would be the same as if the crimes of mere robbery, and of robbery with violence offered to

the person, so distinct in themselves, were distinguished by written laws, and were made punishable, the one with death, and the other with transportation. The effect would be the same with respect to the punishments, but by no means the same with respect to the mode of trial. Because if the law had considered them as distinct offences, it would be the province of the jury to decide whether the circumstance of aggravation, which altered the nature and description of the crime, did or did not exist; whereas in the present system, it is the judge alone on whom that important office is devolved. The fact of violence may in his opinion be established, though the jury may have withheld all credit from the witness who swore it. That fact has probably not been investigated with the same accuracy as the other parts of the case, because it is to constitute no part of the finding of the jury. It is in truth altogether immaterial to the verdict which they have to pronounce, which is merely whether the prisoner be guilty or not guilty of the robbery. The same observation may be made upon every other circumstance of aggravation which decides the fate of convicted criminals; the judge necessarily acts upon his own opinion of the evidence by

which these circumstances are supported, and he sometimes proceeds upon evidence not given in open court, or under the sanction of an oath.

With all the objections, however, which there are to this mode of administering justice, it has long prevailed, and consequently it has many defenders. Among those there is none whose arguments deserve more attention than Dr. Paley, not so much on account of the force or ingenuity of those arguments, as of the weight which they derive from the respectable name of the writer who uses them. Every thing that is excellent in the works of such a man, renders his errors, where he falls into error, only the more pernicious. Sanctioned by his high authority, they are received implicitly as truths by many persons who, if they met with them in a writer of inferior merit or reputation, would not fail to canvass them, and to detect their fallacy.

Dr. Paley sets out by observing,* that “there are two methods of administering penal justice.

* Prin. of Moral and Polit. Phil. vol. ii. p. 281. 17th edit.

“ The first assigns capital punishment to few
 “ offences, and inflicts it invariably ; the second
 “ assigns capital punishment to many kinds of
 “ offences, but inflicts it only upon a few exam-
 “ ples of each kind.”* This implies that there
 are only two methods of administering penal
 justice, and that a government has only to chuse
 between invariably and inflexibly inflicting
 death in all cases in which the law has appoint-
 ed it as a punishment ; or giving to its magis-
 trates that wide discretion which we find them
 invested with in this country. A terrible alter-
 native indeed it would be, if governments were
 really reduced to it. But it is very inaccurate
 to represent these as the only methods of ad-
 ministering penal justice. It may be, and in
 most countries it is, so administered, that in ge-
 neral the punishment assigned by the law is
 inflicted, but in rare instances it is remitted by
 the clemency of the executive magistrate ; in
 other words, generally the law is executed, and
 the non-execution of it forms an exception to
 that general rule. It may be, and in some coun-
 tries it has for many years been, so administered,

* Note B.

that death has not in any case been inflicted because not in any case appointed by the law.

“ The preference of that method,” which is adopted in England, “ to the other, seems,” he says, “ to be founded in the consideration, that “ the selection of proper objects for capital punishment principally depends upon circumstances which, however easy to perceive in each particular case, after the crime is committed, it “ is impossible to enumerate or define beforehand ; “ or to ascertain, however, with that exactness “ which is requisite in legal description.” If this representation be correct, this is a discretion which never can be exercised by any known or certain rules ; for the same rules which would govern the exercise of the discretion, might determine and fix beforehand the different gradations of offence, and the corresponding gradations of punishment. Not only, therefore, according to Dr. Paley, is this discretion necessary, but it must necessarily be exercised in the most arbitrary manner. But why, it may well be asked, cannot circumstances, which are of such a nature that they are to determine whether a man shall suffer death or not, be pointed

out prospectively and particularized in written laws? Being easily perceived after the act has been done, it cannot be difficult to express them in words before the act is committed. It is as easy to say in the form of a law, that whoever does such an act, attended with such circumstances, shall suffer death, as to say in the form of a sentence, that because an individual named has done such an act, attended with such circumstances, he shall suffer death. Dr. Paley seems to assume that it is indispensably necessary that proper objects for capital punishment should be selected by those to whom the administration of justice is intrusted. Whereas, in truth, the *only* proper objects of capital punishment are those who have committed acts which the public security requires should be punished with death, and *all* who have done such acts, are the proper objects of such punishment. The laws should be so framed, that upon none but those can death be inflicted; or in other words, that capital punishment should never be resorted to but where the public security requires it. There needs no selection of objects for punishment, in those who administer the law; the law itself has made the selection. If there is to be any selection by those who ad-

minister the law, it ought to be a selection of the few to whom mercy is to be extended, and not of a few on whom punishment is to fall.

“Hence,” he continues, “although it be necessary to fix by precise rules of law the boundary on one side, that is, the limit to which the punishment may be extended.”—But, in truth, the boundary on the side of severity is fixed by nature, not by law. With the life of the offender, all human power over him must necessarily cease; the legislature, therefore, which authorizes the magistrate to take away a subject’s life, cannot be said to have fixed a boundary which his severity cannot exceed. When the learned author, therefore, observes, that it is necessary to fix by rules of law the boundary on one side, one can only conjecture that he meant, that it is necessary to fix by rules of law, in what cases this unbounded discretion of its magistrates may be exercised.*

* It is, indeed, not a little surprising, that this same author should in other parts of his work have said, p. 207, “In the infliction of punishment, the power of the crown, and of the magistrate appointed by the crown, is confined by the most precise limitations.”

“ The exercise of lenity,” he says, “ may, “ without danger, be intrusted to the executive “ magistrate.” Without danger, perhaps, of being too often exercised ; but with great danger in such a system as he is defending, that of “ laws “ never meant to be carried into indiscriminate “ execution, but whose severity the legislature “ trusts will be relaxed as often as circumstances “ of aggravation are wanting in the crime,”* with very great danger, that it may not be exercised sufficiently often. The magistrate who has the power of exercising this lenity, has also the power of not exercising it, and the non-exercise of it, is, let it be remembered, nothing less than inflicting death.

“ Whose [*i. e.* the magistrate’s] discretion “ will operate upon those numerous unforeseen, “ mutable, and indefinite circumstances, both of “ the crime and the criminal, which constitute “ or qualify the malignity of each offence.” The circumstances then, according to this writer, upon which a criminal’s life is to depend, are of such a nature, that they cannot be foreseen, fixed, or defined, and yet it is in respect of those circumstances that the forfeiture of his life is to be exacted. It is not for the offence described in

the law, but for an unforeseeable undefinable crime, that he suffers death; and yet the very writer who approves of this, and justifies it, has himself told us, but a few pages before,* that “the end of punishment is the prevention “of crimes,” and that, “that which is the cause “and end of the punishment, ought to regulate “the measure of its severity.”

“Without the power of relaxation lodged in “a living authority,” Dr. Paley adds in the passage I am commenting on, “either some “offenders would escape capital punishment “whom the public safety required to suffer, “or some would undergo that punishment “where it was neither deserved nor necessary.” —What the public safety requires is, that crimes should be prevented by the dread of death, whenever the dread of a less evil will not be efficacious. In no other way can the public safety require the death of any individual. For with respect to the mischief which the individual himself might do, it may always be guarded against by secure imprisonment; the real question therefore is, whether the exercise of this power of relaxing the law is better calculated to prevent crimes,

* P. 274—275.

than the constant and regular execution of known laws; and it is a question which one would suppose could hardly be of difficult solution, for those who think with Dr. Paley, that "the certainty of punishment is of more consequence than the severity."*

some would undergo that punishment "where it was neither deserved nor necessary." By this distinction it should seem, that in the opinion of this writer, the punishment of death is sometimes deserved when it is not necessary, and is sometimes necessary when it is not deserved. This distinction, however, seems to be founded upon the most erroneous notions of criminal law. It is upon the ground of necessity alone, that the inflicting death as a punishment can ever be justified. What, indeed, are the ideas which this writer means to convey by the terms "deserving this punishment," and by those of "meriting the punishment of death," which he uses in the following page, it is extremely difficult to conjecture. One would suppose, indeed, that he entertained some vague notion of "the satisfaction of justice," or of "the retribution of so much pain for so much

* P. 306.

“guilt,” if he had not himself formally, at the outset of his dissertation upon crimes and punishment, protested against such being in any case “the motive or occasion of human punishment.”*

The evil, it seems, to be guarded against, is that of the punishment of death being sometimes inflicted where it is neither deserved or necessary. Now, in whatever sense these words be used, it is most certain, that that evil still must continue where the exercise of lenity is to depend upon human, that is, upon fallible judgments. We know almost with certainty of some cases, that if they were submitted to the discretion of two different individuals, one would be for exercising lenity, and the other for enforcing the law, each acting from the best of motives, each satisfied that he had conscientiously discharged his duty, the one by executing the law, the other by extending mercy; and who shall presume to say which of them has “suffered an offender to escape capital punishment, whom the public safety required to suffer;” and “which has inflicted that punishment where it was neither deserved nor necessary?”

“ If judgment of death,” continues Dr. Paley,
 “ were reserved for one or two species of crimes
 “ only, which would probably be the case if
 “ that judgment were intended to be executed
 “ without exception; crimes might occur of
 “ the most dangerous example, and accompa-
 “ nied with circumstances of heinous aggrava-
 “ tion, which did not fall within any description
 “ of offences that the law had made capital, and
 “ which consequently could not receive the pu-
 “ nishment their own malignity and the public
 “ safety required.” Undoubtedly if it were in-
 tended that the laws should be executed, we
 should not in an age which persuades itself that
 humanity is amongst its peculiar characteristics,
 see the punishment of death affixed to so long a
 catalogue of crimes as appear in the English
 statutes; but yet no reason can be assigned, as
 long as death is retained in our law as a punish-
 ment, why it should not, in laws meant to be ri-
 gorously executed, be the appointed punishment
 for crimes “ of the most dangerous example, ac-
 “ companied with circumstances of heinous ag-
 “ gravation.” What danger could there possi-
 bly be that we should lessen the power of inflict-
 ing punishment on crimes of most dangerous
 example, accompanied with circumstances of

heinous aggravation, by striking out of the statute book the acts which inflict death on the crimes of privately stealing to the value of five shillings in a shop, of stealing forty shillings' worth of property in a dwelling-house, or of stealing cloth from bleaching grounds ?

“ What is worse,” he adds, “ it would be known beforehand that such crimes might be committed without danger to the offender's life.” If this be an evil, it is an evil that the law should be known, or that there should be any law at all ; for unknown laws are the same as non-existing laws. It is a necessary consequence of knowing what actions are punishable by law, that it should also be known what a man may do without fear of punishment ; and it is not a little extraordinary, that in a country in which men have been accustomed to think that one of the greatest political blessings they enjoyed, was that they lived in the security which known and certain laws afforded them, we should be told by a writer of such high character and such extraordinary merit as Dr. Paley, that it is a good that laws be not known, because if known, they might be evaded.

Undoubtedly it would be a great mischief if

actions dangerous to the public safety could be committed with impunity, and much more, if, in the language of this writer, “men could adventure upon the commission of enormous crimes from a knowledge that the law had not provided for their punishment.”* But what must be the character of that code of laws which leaves enormous crimes without punishment provided for them? and what other remedy is there for this evil than that which Dr. Paley himself recommends, when he reprobates the use of acts of attainder and bills of pains and penalties? “Let the legislature, admonished of the defect of the laws, provide against the commission of future crimes of the same sort.”†

The terms, “enormous crimes,” and “heinous aggravations,” are of so vague and indefinite a nature, that it is not possible to ascertain with accuracy in what sense they are here used; but understanding them in their common and popular acceptation to mean actions of great moral depravity, it is not easy to understand how the punishment of them is secured by the system which Dr. Paley defends. On the one hand, it is not at all evident how the stealing privately

* P. 284.

† P. 239.

in a shop, or the stealing from bleaching grounds, or the stealing of sheep, can under any circumstances be considered as an enormous crime, or accompanied with heinous aggravations : and on the other it must be admitted, that sanguinary as our law is, numerous as are our capital offences, wide, to use Dr. Paley's own metaphor, wide as the penal net is spread, there are many acts of the greatest moral depravity for which neither the punishment of death nor any other punishment of great severity is provided. A guardian who has defrauded his ward of the property with which he was intrusted for her benefit, and who has besides seduced her and turned her out upon the world a beggar and a prostitute; a man who being married, has concealed that fact, and having gained the affections of a virtuous woman, has persuaded her to become his wife, knowing at the same time that the truth cannot long be concealed, and that whenever disclosed it must plunge her into the deepest misery, and must have destroyed irretrievably all her prospects of happiness in life; has surely done that which better deserves the epithet of enormous crime, accompanied with heinous aggravation, than a butler who has stolen his master's wine. It is not a great many years ago since an attorney

made it a practice, which for some time he carried on successfully, to steal men's estates by bringing ejectments, and getting some of his confederates to personate the proprietors, and let judgment go by default, or make an ineffectual defence; the consequence was, that he was put into possession by legal process, and before another ejectment could be brought, or the judgment could be set aside, he had swept away the crops, and every thing that was valuable on the ground. If for this any punishment be provided by law,* it is one far less severe than for the crime of petty larceny. That any of the actions which I have mentioned, merit the punishment of death, I certainly do not affirm. I have no criterion, and the learned author has furnished me with none by which to determine how death is deserved; but I am sure that stealing a few yards of ribbon or of lace in a shop, is an offence far below them in the scale of moral guilt.

“On the other hand, if to reach these possible cases, the whole class of offences to which they belong, be subjected to the

* Perhaps under the notion of conspiracy this might be indictable, but certainly under no other.

“pains of death, and no power of remitting
 “this severity remains any where, the execu-
 “tion of the law will become more sangui-
 “nary than the public compassion would en-
 “dure, or than is necessary to the general
 “security.” This is an argument to prove
 that a power of pardoning ought to exist some-
 where,* but that is a proposition which has
 not been disputed, and which has really no ap-
 plication to the question whether the English
 system be better or worse than that which pre-
 vails in other countries. The supposition, that
 there is no other alternative than that of exclud-
 ing the power of pardon altogether, or preserv-
 ing such a code of laws that pardons must ne-
 cessarily be much more frequent, even in the
 proportion of ten to one, than the execution of
 the law, exists only in the imagination of
 this writer; and yet his whole defence of the
 present prevailing system is founded upon this
 supposition.

“The law of England is constructed upon a
 “different policy.” Not the *law* of England,
 but the *practice* which in the administration of
 criminal law prevails in England. A practice

* Note C.

which is in truth an almost continual suspension and interruption of the law.

“By the number of statutes creating capital offences, it sweeps into the net every crime, which under any possible circumstance may merit the punishment of death.” If this be effected at all, it certainly is not by the number of statutes that it is effected. One single act, taking away the benefit of clergy from all felonies, would have done this much more effectually than a multitude of statutes, some applying to the different articles which may be stolen, and others to the different places in which the crime may be committed. But, independently of this observation, it is really very difficult to collect the meaning of this passage; admitting that the stealing of a sheep or a horse, may, under some possible circumstances, merit the punishment of death, how are we to comprehend that there are no possible circumstances that imagination can suggest, which would make the stealing of a hog or an ox deserving of the same fate? It must, too, greatly astonish one, that any person who had possessed himself of the catalogue of capital offences to be found in our law, long as it is, and who had reflected upon the actions which take place even in the ordinary intercourse of

mankind, could ever have affirmed, that there was no act of gross immorality or highly injurious to society, which might not by the present existing law of England be punished with death, or which, in the language of this writer, is not swept into the net. There is nothing surely in this sentence that any one can approve, unless it be the happy choice of the metaphor. None indeed could have been found, which could have more forcibly described the situation of a man, who, taking his notion of law from what he sees executed, and therefore thinking that the offence which he had committed could only subject him to imprisonment or transportation, finds to his surprise that he has forfeited his life. I remember hearing a person who had been present at a trial, describe the astonishment which was expressed in the language, and painted in the countenance of a wretch, who was convicted of stealing his master's wine, at finding that the sentence pronounced upon him was that of death, or to use the language of Paley, at finding himself inextricably entangled in the fatal net. Fatal indeed it was to him, for the judge left him for execution.

“ When the execution of this sentence comes

“ to be deliberated upon.”—It should be observed, that with the exception of prisoners tried at the Old Bailey, these are not the joint deliberations of a council, or even the consideration of different cases by the same individual, who would, probably, be always governed by the same principles, but the separate deliberations of different individuals, having no common rule or standard to refer to, all, indeed, equally impressed with the importance of their duty, and actuated by the same desire to discharge it properly, but having each his own peculiar notions of the general character or particular aggravations of each offence.

“ A small proportion of each class are singled out, the general character or the peculiar aggravations of whose crimes render them fit examples of public justice.” But where the *general character* of the crime is such as to render it a fit example of public justice, how can the necessity for the exercise of this discretion exist? The general character of a crime surely cannot be considered as one of those “ circumstances which it is impossible to enumerate or define beforehand,” or even which cannot be “ ascertained with that exactness which is requisite in legal description,” and yet it is upon

the supposed existence of circumstances easy to be noted after the crime has been committed, but impossible to be beforehand defined, that the writer's defence of this system is principally founded.

In what indeed consists the difficulty of marking out in general laws, the peculiar aggravations of crime which ought to be attended with aggravation of punishment, Dr. Paley has left altogether unexplained; and, indeed, a little farther on,* as if to convince his readers that there is really no difficulty in the case, he himself enumerates the several "aggravations which ought to guide the magistrate in the selection of objects of condign punishment." "These," he says, "are principally three, repetition, cruelty, and combination;" "in crimes," he adds, "which are perpetrated by a multitude or by a gang; it is proper to separate in the punishment, the ringleader from his followers, the principal from his accomplices, and even the person who struck the blow, broke the lock, or first entered the house, from those who joined him in the felony." Every one of the aggravations here enumerated, is undoubtedly as capable of being clearly and accurately de-

* P. 288.

scribed, in written laws, and as proper to be submitted to the decision of a jury, as the crimes themselves.

The reason, indeed, which Dr. Paley gives for considering the circumstances which he last mentions as aggravations which ought to determine the fate of convicts, shews in the strongest possible light the necessity of their being stated in written laws. "It is "not," he says, "so much on account of any distinction in the guilt of the offenders, as for the sake of casting an obstacle in the way of such confederacies, by rendering it difficult for the confederates to settle who shall begin the attack, or to find a man amongst the number willing to expose himself to greater danger than his associates." Now, for this selection of offenders for severer punishment to produce the effects which are here pointed out as its objects, it is indispensably necessary, not only that the selection should be constantly and invariably governed by the aggravations here enumerated, but that this should be made known to the public, and such a constant, invariable, and notorious practice can be secured by no other means than by laying it down as a certain and inflexible rule in a public law. That all,

or that even a majority of the judges, exercise the tremendous discretion with which they are invested, upon the principles here stated by Dr. Paley, I am sure no one will pretend. That any one of them has adopted these principles is what I have never heard, and yet it is only by the principles being known, that the practice can effectuate its end:

“By this expedient,” he proceeds, “few actually suffer death, whilst the dread and danger of it hang over the crimes of many.” The *chance* of it, he should rather have said, hangs over the crimes of many. For the dread of punishment to prevent crimes, punishment must as nearly as can be effected, be the certain consequence of committing them. Whereas, all that is done by the administration of penal justice, in that method which Dr. Paley declares to be the best, is to make the punishment of death the possible, but by no means the probable consequence of the crime. The dread that the offender may have the ill fortune to be the one who suffers, and not among the nine convicted offenders who escape, will undoubtedly have some, but it will be but a feeble, influence, towards the prevention of offences.

“ The wisdom and humanity of this design
 “ furnish a just excuse for the multiplicity of
 “ capital offences which the laws of England
 “ are accused of creating beyond those of other
 “ countries.” It is really not a little surprising,
 that in this peculiar mode of administering criminal law in England, an apology should be found for the great “ number of our statutes
 “ creating capital offences.” One would have imagined that one advantage of such a system, by which it is left to those who exercise the law to discriminate and to find out the circumstances which are to characterize, to extenuate, or to aggravate offences, would be, that the laws being extremely general, might be few in number, and simple and concise in their enactments. If we had adopted a system directly contrary to that which is unhappily established amongst us; if, in our anxiety to secure such important objects, as that no life should be destroyed of which the public safety did not require the sacrifice, and that that sacrifice should always be exacted where it really was necessary, we were to frame laws which should distinguish accurately the general character of different offences, and enumerate all the peculiar aggravations with which they might be at-

tended, and should leave unforeseen and unnoticed no human action which was dangerous by its example, or heinous in its circumstances, we might indeed have a good excuse to offer for the multiplicity of our penal laws.

“The charge of cruelty,” continues Dr. Paley, “is answered by observing, that these laws were never meant to be carried into indiscriminate execution; that the legislature, when it establishes its last and highest sanctions, trusts to the benignity of the crown to relax their severity as often as circumstances appear to palliate the offence, or even as often as those circumstances of aggravation are wanting which rendered this rigorous interposition necessary. Upon this plan it is enough to vindicate the lenity of the laws, that *some* instances are to be found in each class of capital crimes which require the restraint of capital punishment; and that this restraint could not be applied without subjecting the whole class to the same condemnation.” It may well be doubted whether this be a satisfactory answer to the charge of cruelty. To subject by law ten men to the punishment of death, because one of them

has, in the opinion of the legislature, deserved it, or, to speak more properly, has done that which makes it necessary to the public safety that his life should be sacrificed, and then "trust" "to the benignity" of the magistrate to discover the nine, against whom it was "never meant" "that the law should be carried into execution;" to have no better security for the proper execution of this most important office, than the benignity of the magistrate, and to afford him no light to guide him in the exercise of that benignity, is after all a very cruel conduct in those who are the makers of the law. The severity of our statutes is, it seems, to be relaxed, whenever those circumstances of aggravation are wanting which render so rigorous an interposition necessary; and yet the legislature is totally silent as to those aggravations. It omits any mention of the circumstances, without which its law is not to have the force of law. The legislature means that death shall be inflicted only in a given case, and it carefully avoids saying what that case is. While it openly denounces death for a certain crime, it really means that death shall be inflicted only if the guilt of some additional crime is added to it, and instead of particularizing that additional

guilt, it leaves it to those who are to execute the law, first to imagine what the legislature meant, and then to discover those undescribed circumstances in each particular case.

When this author tells us that the particular instances which require the restraint of capital punishment, could not be subjected to that restraint, without, at the same time, subjecting to it all the other offences which fall under the same class, but which do not require it, he assumes the very point which it was incumbent on him to prove. But even if, for the moment, we concede to him, that which is the matter in dispute, how can this afford any justification of our sanguinary laws, unless, indeed, we are to reverse what has been considered as a maxim of criminal jurisprudence, and to say that it is better that ten men who do not deserve* death should suffer it, than that one who has deserved it should escape ?†

In this short passage there is another important point taken for granted, which long has

* It can hardly be necessary to apologize for the use of this word, or to shew that it is not here liable to the objection made to it as used by Paley.

† Note D.

been, and still is, a matter of much controversy, namely, that in each class of capital crimes, there are some instances to be found which require the restraint of capital punishment. Let us take, by way of example, the crime of privately stealing in a shop to the value of five shillings. It is the opinion of many, that no instance ever occurred of that crime which rendered it a fit subject of capital punishment. The circumstances, indeed, which induced the legislature to make this offence capital, the facility with which it may be committed, and the supposed necessity of protecting by such severity industrious tradesmen in the exercise of their calling, make it hardly possible that it should be committed under any peculiar aggravations. The legislature has in this case marked out what the policy which suggested the measure induced it to consider as aggravations; that the theft was committed privately, that it was in a shop, and that the thing stolen is of five shillings value. What, to follow the spirit of the law, can possibly be considered as aggravations? Are they that the shop was very much frequented, and was crowded with customers; that the theft was committed with such extraordinary address as to elude the utmost vigilance; or that the pro-

property stolen was of a value very greatly beyond that which is mentioned in the statute? Surely no person can contend that any one of these circumstances can make such an alteration in the offence, that with it the crime should be punished with death, and without it, should be subjected to a slighter punishment. Least of all can the value of the property stolen be such an aggravation; because the law was intended to afford a protection to tradesmen, in instances where they could not exert a sufficient vigilance for their own protection; but in articles of considerable value, they are bound to exert that vigilance. To such an instance we may apply the language which Paley has applied to another, "it will be difficult to shew, that without gross
 "and culpable negligence on the part of the
 "sufferer, such examples can ever become so frequent as to make it necessary to constitute a
 "class of capital offences of very wide and large
 "extent."* In truth, none of these circumstances have, I believe, been considered by any of the judges as sufficient aggravations to warrant their suffering this cruel law to be executed. It has been executed, indeed, in instances where the offenders were of very bad character, had been tried and acquitted for other and much more heinous

* P. 286.

crimes, or had set up a false defence, and produced witnesses to prove it; yet these are all circumstances foreign to the object of the legislature in protecting retail trades, and fall not within any of the principles which Dr. Paley has upon this subject, endeavoured to establish.

“ The prerogative of pardon is properly reserved to the chief magistrate. The power of suspending the laws is a privilege of too high a nature to be committed to many hands, or to those of any inferior officer in the state. The king also can best collect the advice by which his resolutions shall be governed.” Those who to every attempt at improvement are accustomed to oppose a panegyric on our law and constitution, frequently adopt a course which is very convenient for their purpose. As theory and practice are often upon these subjects very dissimilar, and are sometimes in direct opposition to each other, they select for the topic of their encomium whichever they can represent in the most favourable light; and of this we have here a very remarkable instance. In every thing which Dr. Paley has hitherto said, it is the established practice,

a practice which alters and almost supercedes the written law, which he has been vindicating; but now he suddenly takes an opposite course, and holds up to our admiration a part of the constitution which exists in theory, but is almost abrogated in practice. In every county of England but Middlesex, and in every part of Wales, this privilege of suspending the laws, high as it is, is exercised, not by the chief magistrate, but by subordinate officers in the state, and without the assistance of that best advice which the king can collect. It is true, that they exercise this privilege in the name of the king, in whose name too they administer the law; and if this fiction is to be resorted to, it may be said with as much truth, that the king decides causes, and tries prisoners, as that he exercises his power of suspending the laws.

“ But let this power be deposited where it will,” adds Dr. Paley, “ the exercise of it ought to be regarded as a judicial act; as a deliberation to be conducted with the same character of impartiality, with the same exact and diligent attention to the proper merits and circumstances of the case, as that

“ which the judge upon the bench was expected
 “ to maintain and shew in the trial of the pri-
 “ soner’s guilt. The questions, whether the
 “ prisoner be guilty, or whether, being guilt-
 “ ty, he ought to be executed, are equally
 “ questions of public justice. The adjudica-
 “ tion of the latter question is as much a func-
 “ tion of magistracy as the trial of the former.
 “ The public welfare is interested in both.
 “ The conviction of an offender should de-
 “ pend upon nothing but the proof of his
 “ guilt; nor the execution of the sentence
 “ upon any thing besides the quality and cir-
 “ cumstances of his crime.” Nothing can shew
 in a stronger point of view the defects of the
 system which Dr. Paley defends, than this single
 passage. He here imposes upon the judges du-
 ties which it is impossible for them to discharge.
 If, indeed, he had contented himself with say-
 ing, that this suspension of the law ought never
 to be a favour “ yielded to solicitation or grant-
 “ ed to friendship, or made subservient to the
 “ conciliating or gratifying of political attach-
 “ ments,” no person could have disputed his
 doctrine, though many might have wondered
 that he had thought it worth while to state what
 was so obvious; but when he goes on to say,

that it must be considered as a judicial act, or as the adjudication of a question of public justice, he really deals with the judges no less hardly than the Egyptian tyrant did with the children of Israel, when he commanded them to make bricks, but withheld from them the materials with which they were to be made. A judicial act is the application of an existing law to facts which have been judicially proved: but where is the law of which the judge, in the exercise of this power, is to make the application? Or how can it be said that there has been judicial proof of facts, for which the criminal has never been put upon his trial, which have never been submitted to a jury, and upon which, consequently, a jury has come to no decision?

Of all the duties, indeed, which a judge has to discharge, the exercise of this discretion must be the most painful. It is true that there are no duties, however awful, no situation, however difficult, with which long habit will not render the best of men familiar; but if we represent to ourselves a judge newly raised to that eminence, just entering upon the circuit, and become for the first time the arbiter of the lives of his fellow-creatures, we shall be able to form to our-

selves some idea of the difficulties he has to encounter, and of the anxiety which he must necessarily feel. Sworn to administer the law, he is at the same time the depositary of that royal clemency which is to interrupt its execution. In danger of obstructing the due course of justice on the one hand, or of refusing mercy to those who have a fair claim to it on the other, he finds no rules laid down, or principles established by the legislature, to guide his judgment. He must fix for himself the principles and the rules by which he is to act, at the same time that he is to apply them and bring them into action, and yet he cannot but be aware, that the principles which he shall adopt will probably not be those of his successor, who will have maxims of justice and of mercy of his own, but which cannot possibly be foreseen; and at the same time he must know that it is nothing but a uniformity of practice which can make the exercise either of severity or of lenity useful to the public. In such a state of embarrassment, it is, that he is called upon to decide, and upon his decision the life of an individual depends; nay, upon the decision of a single case may depend the lives of many individuals. The clemency he shews, though it spares the life of a single

convict, may be the means of alluring others to the commission of the same crime, who from other judges will not meet with the same lenity. The execution of a severe judgment may be the means of procuring impunity to many other criminals by inducing prosecutors to shrink from their duty, and jurymen to violate their oaths.

From the foregoing observations it should seem, that the laws, which it is proposed to repeal, cannot well be defended as part of a general system of criminal jurisprudence. Taken by themselves, it seems still more difficult to justify them. They are of such inordinate severity, that, as laws now to be executed, no person would speak in their defence. They have, indeed, by a change of circumstances, become far more severe than they were when originally passed. Not to dwell on the circumstance of their severity having increased just in the proportion that the value of money has diminished, the state of the criminal law in other respects, at the time when these laws were enacted, afforded an excuse for passing them which has long ceased to exist.

) When, in the reign of King William, the be-

benefit of clergy was taken away from the crime of privately stealing, in a shop, goods of the value of five shillings, that offence was already punishable capitally on all but those who could read. The statute had no other effect, therefore, than to place men, whose crime was aggravated by the education which they had received, upon a level with those who had to urge, in extenuation of their guilt, the deplorable ignorance in which they had been left by their parents and by the state.

The same observation cannot, indeed, be made on the Act of the 12th Anne, which relates to stealing money or goods in a dwelling-house: but when it passed, only seven years had elapsed since the adoption of the law, which extended the benefit of clergy to the illiterate, as well as to those who could read: and men who had been accustomed to see ignorant persons convicted capitally, for stealing what was of the value only of thirteen-pence, in any place, or under any circumstances, could not have thought it an act of great severity, to appoint death as a punishment for stealing in a dwelling-house property of the value of forty shillings.

It is sufficient, however, to say of those laws, that they are not, and that it is impossible that they should, be executed; and that instead of preventing, they have multiplied crimes, the very crimes they were intended to repress, and others no less alarming to society, perjury, and the obstructing the administration of justice.

But although these laws are not executed, and may be said, therefore, to exist only in theory, they are attended with many most serious practical consequences. Amongst these, it is not the least important, that they form a kind of standard of cruelty, to justify every harsh and excessive exercise of authority. Upon all such occasions these unexecuted laws are appealed to as if they were in daily execution. Complain of the very severe punishments which prevail in the army and the navy, and you are told that the offences, which are so chastised, would by the municipal law be punished with death. When not long since a governor of one of the West India islands was accused of having ordered that a young woman should be tortured, his counsel said in his defence, that the

woman had been guilty of a theft, and that by the laws of this country her life would have been forfeited. When, in the framing new laws, it is proposed to appoint for a very slight transgression a very severe punishment, the argument always urged in support of it is, that actions, not much more criminal, are by the already existing law punished with death. So in the exercise of that large discretion which is left to the judges, the state of the law affords a justification for severities, which could not otherwise be justified. When for an offence, which is very low in the scale of moral turpitude, the punishment of transportation for life is inflicted, a man who only compared the crime with the punishment, would be struck with its extraordinary severity; but he finds, upon inquiry, that all that mass of human suffering which is comprised in the sentence, passes by the names of tenderness and mercy, because death is affixed to the crime by a law scarcely ever executed, and, as some persons imagine, never intended to be executed.

For the honour of our national character—
for the prevention of crimes—for the mainte-

nance of that respect which is due to the laws, and to the administration of justice—and for the sake of preserving the sanctity of oaths—it is highly expedient that these statutes should be repealed.

NOTES.

NOTE A. P. 23.

THE latitude which juries allow themselves in estimating the value of property stolen, with a view to the punishment which is to be the consequence of their verdict, is an evil of very great magnitude. Nothing can be more pernicious, than that jurymen should think lightly of the important duties they are called upon to discharge, or should acquire a habit of trifling with the solemn oaths they take. And yet ever since the passing of the acts which punish with death the stealing in shops or houses, or on board ships, property of the different values which are there mentioned, juries have, from motives of humanity, been in the habit of frequently finding by their verdicts, that the things stolen were worth much less than was clearly proved to be their value. It is held, indeed, by some of the judges (whether by all of them, and upon all occasions, I am not certain) that juries in favour of life may fairly, in fixing the value of the property, take into their consideration the depreciation of money which has taken place since the statutes passed, or in the words of Mr. Justice Blackstone, “may reduce the present nominal value of “money to its ancient standard.”* To shew, therefore, to what an extent juries have assumed to themselves a power of dispensing with the law in this respect, it will be proper to refer to the earliest trials, for these offences, that I happen to have met with.

* Com. vol. iv. p. 239.

In the year 1731-2, which was only thirty-two years after the act of King William, and only sixteen after the act of Queen Ann, a period during which there had scarcely been any sensible diminution in the value of money, it appears from the sessions papers that, of thirty-three persons indicted at the Old Bailey for stealing privately in shops, warehouses, or stables, goods to the value of five shillings and upwards, only one was convicted, twelve were acquitted, and twenty were found guilty of the theft, but the things stolen were found to be worth less than five shillings. Of fifty-two persons tried in the same year at the Old Bailey, for stealing in dwelling-houses, money, or other property, of the value of forty shillings, only six were convicted, twenty-three were acquitted, and twenty-three were convicted of the larceny, but saved from a capital punishment by the jury stating the stolen property to be of less value than forty shillings. In the following years the numbers do not differ very materially from those in the year 1731.

Some of the cases which occurred about this time are of such a kind, that it is difficult to imagine by what casuistry the jury could have been reconciled to their verdict. It may be proper to mention a few of them.—Elizabeth Hobbs was tried in September 1732, for stealing in a dwelling-house one broad piece, two guineas, two half-guineas, and forty-four shillings, in money. She confessed the fact, and the jury found her guilty, but found that the money stolen was worth only thirty-nine shillings. Mary Bradley, in May 1732, was indicted for stealing in a dwelling-house, lace which she had offered to sell for twelve guineas, and for which she had refused to take eight guineas; the jury, however, who found her guilty, found the lace to be worth no more than thirty-nine shillings. Wm. Sherrington, in Oct. 1732, was indicted for stealing privately in a shop, goods which he had actually sold for 11. 5s. and the jury found that they were worth only 4s. 10d.

In the case of Michael Allom, indicted in February 1733, for privately stealing in a shop forty-three dozen pairs of stockings, value 3l. 10s. It was proved that the prisoner had sold them for a guinea and a half, to a witness who was produced on the trial, and yet the jury found him guilty of stealing what was only of the value of 4s. 10d. In another case, that of Geo. Dawson and Joseph Hitch, also indicted, in February 1733, it appeared that the two prisoners, in company together at the same time, stole the same goods privately in a shop, and the jury found one guilty to the amount of 4s. 10d. and the other to the amount of 5s. that is, that the same goods were at one and the same moment of different values. This monstrous proceeding is accounted for by finding that Dawson, who was capitally convicted, had been tried before at the same sessions for a similar offence, and had been convicted of stealing to the amount only of 4s. 10d. The jury seem to have thought, that having had the benefit of their indulgence once, he was not entitled to it a second time, or in other words, that having once had a pardon at their hands, he had no further claims upon their mercy.

NOTE B. P. 29.

THE whole of the passage in Paley, here commented on, is in the following words :

“ There are two methods of administering penal justice.

“ The first method assigns capital punishments to few offences, and inflicts it invariably.

“ The second method assigns capital punishments to many kinds of offences, but inflicts it only upon a few examples of each kind.

“ The latter of which two methods has been long adopted in this country, where, of those who receive sentence of death, scarcely one in ten is executed. And the preference of this to the former method seems to be founded in the consideration, that the selection of proper objects for capital punishment, principally depends upon circumstances, which, however easy to perceive in each particular case after the crime is committed, it is impossible to enumerate or define before-hand; or to ascertain, however, with that exactness which is requisite in legal descriptions. Hence, although it be necessary to fix, by precise rules of law, the boundary on one side, that is, the limit to which the punishment may be extended, and also that nothing less than the authority of the whole legislature be suffered to determine that boundary, and assign these rules; yet the mitigation of punishment, the exercise of lenity, may, without danger, be intrusted to the executive magistrate, whose discretion will operate upon those numerous unforeseen, mutable, and indefinite circumstances, both of the crime and the criminal, which constitute or qualify the malignity of each offence. Without the power of relaxation lodged in a living authority, either some offenders would escape capital punishment, whom the public safety required to suffer; or some would undergo this punishment, where it was neither deserved nor necessary. For if judgment of death were reserved for one or two species of crimes only, which would probably be the case, if that judgment was intended to be executed without exception, crimes might occur of the most dangerous example, and accompanied with circumstances of heinous aggravation which did not fall within any description of offences that the laws had made capital, and which consequently could not receive the punishment their own malignity and the public safety required. What is worse, it would be known before-hand, that such crimes might be committed without danger to the offender's life. On the other hand, if, to reach these possible cases, the whole class of offences to which they belong be subjected to pains of death, and no power of

remitting this severity remains any where, the execution of the laws will become more sanguinary than the public compassion would endure, or than is necessary to the general security.

“ The law of England is constructed upon a different and a better policy. By the number of statutes creating capital offences, it sweeps into the net every crime, which under any possible circumstances may merit the punishment of death: but when the execution of this sentence comes to be deliberated upon, a small proportion of each class are singled out, the general character, or the particular aggravations of whose crimes, render them fit examples of public justice. By this expedient few actually suffer death, whilst the dread and danger of it hang over the crimes of many. The tenderness of the law cannot be taken advantage of. The life of the subject is spared, as far as the necessity of restraint and intimidation permits, yet no one will adventure upon the commission of any enormous crime from a knowledge that the laws have not provided for its punishment. The wisdom and humanity of this design furnish a just excuse for the multiplicity of capital offences, which the laws of England are accused of creating beyond those of other countries. The charge of cruelty is answered by observing, that these laws were never meant to be carried into indiscriminate execution; that the legislature, when it establishes its last and highest sanctions, trusts to the benignity of the crown to relax their severity as often as circumstances appear to palliate the offence, or even as often as those circumstances of aggravation are wanting, which rendered this rigorous interposition necessary. Upon this plan it is enough to vindicate the lenity of the laws, that some instances are to be found in each class of capital crimes, which require the restraint of capital punishment; and that this restraint could not be applied without subjecting the whole class to the same condemnation.

“ There is, however, one species of crimes, the making of

which capital can hardly, I think, be defended, even upon the comprehensive principle just now stated; I mean that of privately stealing from the person. As every degree of force is excluded by the description of the crime, it will be difficult to assign an example, where either the amount or circumstances of the theft place it upon a level with those dangerous attempts, to which the punishment of death should be confined. It will be still more difficult to shew, that, without gross and culpable negligence on the part of the sufferer, such examples can ever become so frequent, as to make it necessary to constitute a class of capital offences, of very wide and large extent.

“ The prerogative of pardon is properly reserved to the chief magistrate. The power of suspending the laws is a privilege of too high a nature to be committed to many hands, or to those of any inferior officer in the state. The king also can best collect the advice by which his resolutions should be governed; and is at the same time removed at the greatest distance from the influence of private motives. But let this power be deposited where it will, the exercise of it ought to be regarded, not as a favour to be yielded to solicitation, granted to friendship, or, least of all, to be made subservient to the conciliating or gratifying of political attachments; but as a judicial act, as a deliberation to be conducted with the same character of impartiality, with the same exact and diligent attention to the proper merits and circumstances of the case, as that which the judge upon the bench was expected to maintain and shew in the trial of the prisoner's guilt. The questions, whether the prisoner be guilty, and whether, being guilty, he ought to be executed, are equally questions of public justice. The adjudication of the latter question is as much a function of magistracy, as the trial of the former. The public welfare is interested in both. The conviction of an offender should depend upon nothing but the proof of his guilt, nor the execution of the sentence upon any thing beside the quality and circumstances of his crime. It is

necessary to the good order of society, and to the reputation and authority of government, that this be known and believed to be the case in each part of the proceeding. Which reflections show, that the admission of extrinsic or oblique considerations, in dispensing the power of pardon, is a crime in the authors and advisers of such unmerited partiality, of the same nature with that of corruption in a judge." •

• NOTE C. P. 42.

So much is Dr. Paley an advocate for a discretionary power in the punishment of offences, that he justifies imprisonment for debt on principles of penal law, and seems to think, that as no discretion is likely to be so well informed, so vigilant, or so active, as that of the creditor himself, he is properly by the law of England both judge and party. "Consider it," he says, "as a public punishment, founded upon the same reason, and subject to the same rules as other punishments, and the justice of it, together with the degree to which it should be extended, and the objects upon whom it may be inflicted, will be apparent * * * * The only question is, whether the punishment be properly placed in the hands of an exasperated creditor: for which *it may be said*, that these frauds are so subtle and versatile, that nothing but a discretionary power can overtake them, and that no discretion is likely to be so well informed, so vigilant, or so active, as that of the creditor." Prin. of Mor. and Pol. Phil. vol. I, p. 163, 164. It is true that Paley does not state this directly as his own opinion, but from the whole context it is fairly to be inferred that it is an opinion of which he does not disapprove; and yet if imprisonment for debt is to be justified on the ground of punishment, it should be observed, that in this respect it differs from the punishment of all other crimes, that a power of pardoning exists no where but in the offended creditor.

NOTE D. P. 52.

The maxim that it is "*better for ten guilty persons to escape than for one innocent man to suffer,*" is mentioned with approbation by Mr. Justice Blackstone,* but is contested by Dr. Paley. "If by better," he says, "he meant that it is more for the public advantage, the proposition I think cannot be maintained. The security of civil life, which is essential to the value and the enjoyment of every blessing it contains, and the interruption of which is followed by universal misery and confusion, is protested chiefly by the dread of punishment."† By the dread of punishment, it is true, but of punishment as a consequence of guilt, not of punishment falling indiscriminately on those who have not, and on those who have, provoked it by their crimes. The security of civil life is undoubtedly the first object of all penal laws; but by nothing can that security be more grievously interrupted than by the innocent suffering for the crimes of the guilty. It should seem from the animadversions of Dr. Paley, that he imagined that those who have adopted this maxim, treat the escape of ten guilty persons as a trivial ill, whereas, they deem it an evil of very great magnitude, but yet one less destructive of the security and happiness of the community, than that one innocent man should be put to death with the forms and solemnities of justice.

"The misfortune," continues Dr. Paley, "of an individual, for such may the sufferings, or even the death of an innocent person be called, when they are occasioned by no evil intention, cannot be placed in competition with this object." He here speaks of the sufferings and privations endured by the victim, as if they were the only evils resulting from the punishment of the innocent. He overlooks entirely the mischiefs which arise from the consideration, that the most perfect innocence, and the most im-

* Com. b. iv. ch. 27. † Prin. of Moral and Pol. Phil. vol. ii. p. 310.

SPEECH
OF
WILLIAM ADAM, ESQ.
IN
THE HOUSE OF COMMONS,
5TH OF MARCH, 1810;
ON
THE RESOLUTIONS PROPOSED BY
MR. WHITBREAD,
REGARDING
THE EARL OF CHATHAM'S REPORT
TO
HIS MAJESTY
ON THE EXPEDITION TO THE SCHELDT.

LONDON:
PRINTED FOR J. RIDGWAY,
NO. 170, OPPOSITE OLD BOND STREET, ST. JAMES'S.
1810.

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the Admiral, commanding in the said Expedition, whose conduct is materially implicated in the said Narrative; that the same was, on the 10th day of February last, returned to him by His Majesty's command, in consequence of his own request; and that, on the 14th of February, he again tendered the said Narrative to His Majesty, the same having been previously altered by the suppression of a paragraph, containing matter of opinion, the substance of which, this House, by the examination of the said Earl of Chatham, has been unable to ascertain."

2dly, Resolved, "That the Earl of Chatham, by private communication to His Majesty, accompanied by a desire of secrecy, did unconstitutionally abuse the privilege of access to his Sovereign, and thereby afford an example most pernicious in its tendency to His Majesty's service, and to the general service of the State."

N. B. This last Resolution was under the consideration of the House; at the time the following Speech was made. Afterwards, at the late period of the Debate, it was proposed to alter the expressions of the Resolution, which was agreed to by the House. And the altered Resolution was carried.

An Address having been voted by the House of Commons, respecting the Report delivered to the King by Lord Chatham, His Majesty was graciously pleased to return the following Answer on Monday the 26th of February 1810:

“ The Earl of Chatham having requested His Majesty to permit him to present his Report to His Majesty, and having also *requested that His Majesty would not communicate it for the present* ; His Majesty received it on the 15th of January last, and kept it till the 10th of this month; when, in consequence of a wish having been expressed by the Earl of Chatham on the 7th of this month, to make some alterations in it, His Majesty returned it to the Earl of Chatham. The Report, as altered, was again tendered to His Majesty by the Earl of Chatham on the 14th of this month, when His Majesty directed it to be delivered to

his Secretary of State; and His Majesty has not kept any copy or minute of this Report as delivered at either of these times; nor has he had at any time any other report, memorandum, narrative, or paper, submitted to him by the Earl of Chatham, relating to the late Expedition to the Scheldt."

On Monday the 5th of March, the following Resolutions were debated:

1st, Resolved, "That it appears to this House, that John, Earl of Chatham, having requested His Majesty to permit him to present his Report to His Majesty, and having also requested that His Majesty would not *communicate it for the present*, did, on the 15th of January last, privately transmit to His Majesty a paper, bearing date the 15th day of October preceding, and purporting to be a Narrative of his proceedings as Commander in Chief of His Majesty's land forces in the late Expedition to the Scheldt; and that he withheld all knowledge thereof, both from His Majesty's Ministers, and

S P E E C H,

&c.

SIR,

• It is my intention to delay the House but a very short time, and I sincerely believe that I shall literally fulfil that intention. But I entertain a most anxious desire to state the grounds upon which I shall support the present question; and my anxiety to do so has received much additional force, indeed, by the manner in which the motion has been opposed by my Learned Friend on the other side of the House *, and by the Honourable Gentleman on the lower part of the row from which I speak †.

The question is, in its very nature and essence, of vital consequence to the constitution; and the manner in which it has been treated by the two Gentlemen, to whom I have referred, has rendered it in that respect, if possible, still more so. I have no hesitation in saying, that, if the

* Mr. Stephen.

† Mr. Banks.

doctrine which they have promulgated is acted upon in this House, there is a complete and entire end of the constitution of this free country.

I sincerely regret, Sir, that the Earl of Chatham is the person who has fallen into this most unfortunate situation. I regret that the predicament in which he is placed compels me to pronounce his conduct to have been that which the second resolution expresses, in my opinion, with perfect accuracy, and with most becoming moderation. I have sometimes had the honour to meet that Noble Lord in society, where it was impossible not to be gratified with his demeanour: and in the intercourse of business, in which I have seen him two or three times, I have found him most accommodating in point of access, most clear, distinct, and unassuming in discussion. But when called upon as a Member of Parliament, conscientiously and uprightly to form an opinion, and give a vote upon a motion founded on the conduct which the Noble Lord has pursued respecting his Narrative, I have no choice—I must take the fact as it stands, without considering who the actor was in the transaction, and, divesting myself of all individual bias, pronounce my opinion on the question before us.

In forming the opinion, which I am about to deliver, I have made it my business to strip the subject

of all extraneous matter, and of everything not bearing directly on the issue. With that view I lay out of the question all that has been relied upon on the one side and the other, respecting the facts and circumstances which Lord Chatham has given in evidence. I put the case (and that is all that is necessary in the view which I take of this, in my conception, the most momentous constitutional question that has been discussed in the long period of my public life) upon the facts that Lord Chatham delivered his Narrative to the King—that it is a public document, containing an account of his conduct as Commander of the forces on the late unfortunate expedition to the Scheldt—and on His Majesty's most gracious answer to the Address of this House, stating the circumstances attending that delivery—namely, its being given in the first instance, accompanied by a desire, which is in the nature of an advice, to keep it secret; being taken back—delivered again—and then, by His Majesty's own act, ordered to be given to the Secretary of State.

However, Sir, before I enter into the consideration of the question to which those communications, thus stripped of every concomitant incident, give rise; I cannot help expressing my utter surprise and astonishment, that my Learned Friend *,

* Mr. Stephen.

a lawyer of great knowledge, ability, and experience—that the Honourable Gentleman *, an old Member of Parliament (whom I have known for thirty years, and whose diligent attention to his duty in all that time I must in general recognise and praise), should ask, “*Where is the charter—where is the statute—where is the written decree*” which has been violated by this proceeding of the Earl of Chatham? What! when the great body of the municipal law of the country, *the common law of England*, is technically characterized as *unwritten*, does a lawyer ask that question? When the great and most valuable part of the law of Parliament and of the constitution has never been inserted in any *charter, statute, or written decree*, does an old and experienced Member of Parliament ask that question? And are those Gentlemen yet to learn that it is from the practice of Parliament, from the usage of our ancestors, confirmed and perfected by the invariable usage of modern times, that we are to derive the law of Parliament and of the constitution? The practice of the constitution forms the law of the constitution. And if it shall appear that the proceeding of Lord Chatham, with respect to this Narrative, was a violation of clear established practice, who can pretend to deny, that because the principle

* Mr. Baileys,

which has been violated does not appear in a charter, or a statute, or in a written decree, that therefore it was not unconstitutional? I take upon myself to say then, that the delivery of the Narrative to His Majesty by Lord Chatham—the advice to keep it secret—the taking it back, and delivering it again; in short, that the whole transaction was an unconstitutional act.

Sir, I assert this not on the authority of speculative philosophers or constitutionalists, but as resting on matter of recognised and well-ascertained usage—not to be looked for in this or in that written law, but derived from practice of high antiquity, confirmed and sanctioned by the uniform course of proceeding in the best modern times, and happily affording at once the most certain protection to the person and dignity of the Sovereign, and the most perfect security to the liberty of the subject. It is this clear, right, this undoubted and most privileged system, which our ancestors contrived, earned, and enjoyed; and which is proposed by the motion of my Honourable Friend* to be maintained—which if not asserted this night by the vote of this House, may be lost for ever.

Sir, before I enter upon the question more immediately under the consideration of the House, I cannot refrain from repelling the most

* Mr. Whitbread.

unprecedented doctrine maintained by the Hon. Gentleman * respecting advice given to the Sovereign—doctrine, I will venture to say, the most extraordinary that ever was delivered in this House. Does the Honourable Gentleman seriously and conscientiously intend to maintain that a minister, a peer, a privy counsellor, or other person, may approach the King, and instil bad counsel into the royal mind, and if that counsel is not followed, that the counsellor or adviser is not guilty of a criminal act; of a gross violation of the constitutional law of the realm; and that he could not be punished for such advice, though nothing followed upon the advice? Let me entreat the Honourable Gentleman to look back to the history of the country, to those proceedings which characterized even the least settled and most unformed periods of our annals. I will not confine the Honourable Gentleman to the principles or doctrines to which the Revolution gave a more correct form and substance: look before to the reigns of the Stuarts †; nay, look back almost to the Conquest itself, to the æras of favouritism immediately following that event. Let him look a little later, to the reigns of Edward II. and Richard II.; to those times, when the minions of the Crown poured poison in the

* Mr. Banks.

† See Appendix A.

royal ear *—when the proceedings turned not upon the act that followed, but on advice not acted upon; and then let him say whether it is not a clear and well-ascertained principle of the constitution, that to give bad counsel to the King is not in itself and by itself most criminal against the state; prosecutable and punishable according to the practice and usage of Parliament. If it were otherwise, I would ask how should we come at any guilty adviser without coupling an act with the advice? Let me ask, how the state could be protected against the poison which might be infused into the royal mind, and which might, at an unconnected and distant interval, be carried into execution, in a manner and by measures the most ruinous and destructive, and rendered, by lapse of time, almost incapable of discovery.

Suppose, for instance, any person were so base as to advise the King, by his own authority, to suspend the Habeas Corpus act; but that the King, knowing better, and revering the constitution more than the adviser, rejected that advice, and, though accompanied with an injunction of secrecy, that the adviser became known. Can any one doubt that such advice would be the subject of parliamentary prosecution, and, when

proved, be followed with condign punishment? The case is too clear to admit of a question.

But this is not all—Judge the doctrine of the Honourable Gentleman by the analogy of the law of high treason—Do the laws of treason require that the intention of the traitor should be carried into effect, in order to constitute that heinous crime? Does the law wait 'till the traitor's hand shall have levelled the Monarch's sacred person in the dust? Does it permit him traitorously and rudely to break that link of safety, the royal life, which protects us all? whose sacred person is fenced round by extraordinary laws, to unite and knit together the whole social and political frame of the state?—the law, thus rendering the mere *'intention to kill*, the crime, and not the actual murder, as in the case of private men—thereby securing the body of the state from danger of sudden change, and from dissolution, the natural and probable effect of it. Shall it be said then, that the intention by secret and evil advice to beget evil acts, which may overwhelm the sacred fabric of our laws and subvert our liberties, shall be less protected; or that the intention, in that case, shall not be equivalent in criminality to the act which it is meant to excite?

Sir, I believe I ought in some measure to beg pardon of the House for having dwelt so long upon a subject which is not perhaps strictly connected with the main question. But I could not permit such doctrine to go unanswered, especially when falling from a person whose age and experience as a Member of Parliament might give currency to principles subversive of the constitution, and utterly inconsistent with the safety of the state and the freedom of the country.

Sir, I have already said, that all the evidence which I require to enable me to decide, that the conduct of Lord Chatham, in the instance in question, has been unconstitutional, is the Narrative of that Noble Lord, giving an account of the manner in which he discharged a great public trust, coupled with His Majesty's most gracious answer to the Address of this House: an answer which, I will venture to say (owing to the extraordinary conduct of Lord Chatham), is without precedent in the records of Parliament; not only in the correct and constitutional era which has succeeded the Revolution; but in all that long and less formed period of our parliamentary history which preceded it. From that answer we learn, that when Lord Chatham delivered this official, this public document to the

King, in which he asserts the correctness of his own conduct, and impeaches that of the naval department; he delivered it to His Majesty, accompanied with advice *to keep it secret*: and accordingly, until it was asked to be delivered back, it remained secret. So that from the 15th of January to the 14th of February, during a whole month, all the other confidential servants of the Crown were entirely ignorant of this most important communication.

Sir, it does seem to me most extraordinary, and, I believe, hitherto it has been unheard of in the conduct of public affairs, that a person, sent in the chief command of an expedition, should return from his command, and that months should elapse after his return, during which neither he should tender, nor the King's Ministers require, an account of his conduct, and of his transactions in that command. When the Noble Earl came back from Zealand in September, it might be difficult for him in the dissolved, disordered, and distracted state in which the Cabinet then stood, to know to whom he was to address himself. But when Lord Liverpool was appointed Secretary of State for the War Department, when the Right Honourable Gentleman * was induced by his loyalty to accept of the situation (as he has termed it) of Prime Minister; when those two persons were thus invested with

* Mr. Perceval.

the character of the responsible Ministers of the Crown, why did not they demand from Lord Chatham an account of his services? For any thing that appears, they did not then discharge that most important duty of their station; and Lord Liverpool has not even now taken any step to call upon Lord Chatham, in the terms and according to the order given in his appointment under the sign manual, to account to him as Secretary of State. On the contrary, the discharge of this great public duty in this, I believe, the greatest, and, I am sure, the most unfortunate expedition that ever left the shores of this country, seems to have been passed over by the King's Ministers without inquiry, into the details of it, as if it had not been a subject of most anxious public concern, and one for which they are most deeply responsible. Nay, Sir, what is still more extraordinary, those Ministers, those confidential Seryants of the King, instead of considering the public account of the conduct and transactions of a public officer, in a great command, as a matter for public account, have, in violation of every principle that regulates the government of this free country, represented the matter connected with this public Narrative as of a private nature, relating to the private concerns of the King, and not to the public and official affairs of the kingdom. For, Sir, when the

matter first came before the House, on a motion for an Address to the King, to communicate every thing that respected the transaction under our consideration, the Secretary of State for the Home Department (most wonderful that such things should be attempted !) had the boldness to argue the matter, as if the communications of a public officer to the King, respecting the execution of a public command, were of a private nature analogous to the private concerns of His Majesty; and that those who asked farther information on the subject were proposing to search His Majesty's private escrutoire.

Sir, I am sure that the delicacy of such a search never entered the mind of any individual here. God forbid that there should not be the most sacred respect for every thing that relates to the private affairs and domestic concerns of our Sovereign. I trust I am the last person to entertain or promulgate a doctrine that could intrench, in the smallest degree, upon the most inviolable security to His Majesty's private repositories. The veneration for the person and character of His Majesty, which is entertained throughout the nation, ensures against such a violation of all decency; and the particular circumstances, in which I am known to stand, will ensure me, I trust, against the possible imputation of any thing but the most profound respect and attach-

ment to the person of the King. But, Sir, I cannot under these impressions, powerful as they are, be led to forget the clear and marked distinction between the public government of the monarchy and the private concerns of the Monarch.

I do then most boldly and steadfastly deny that the doctrine, which has been contended for on the other side of the House, has any foundation in the constitution of this country: and I insist, that it is unconstitutional to assert that the King (I speak of the office of King generally, according to the constitution of England) can have a private repository for a public paper; that this is a position adverse to the very essence of this constitution, and has been so in all times of our history—that the great security of this free country, as it respects the royal power and authority, is, that the King does no public act of himself; but that he acts by the advice of known and sworn counsellors, who are responsible to this House, and to the country, for their advice—that all acts, therefore, and all accounts of those acts given by those who are appointed to the discharge of public duties—in short, that all public transactions of the state must be official—that they cannot be the subject of concealment; that they cannot be communicated under injunctions and advice of secrecy to the Sovereign; but must

pass through that public and official course which is known to the constitution, which public official course secures to this House the application of its great inquisitorial power, a privilege which has always existed, and which is limited only by the discretion of the House. So that this undoubted right to inquire into the conduct of the executive officers of the Crown, thus renders it essentially necessary that all the parts of the executive government should pass in the usual, the accustomed, and well-known official channels. The secret communication which is the subject of our present consideration, with every act of a similar kind, I therefore assert to be totally inconsistent with the clear and indisputable characteristics of the constitution which must never be lost sight of in the consideration of this subject:—I mean the irresponsibility of the King; the responsibility of Ministers; and the inquisitorial power of the House of Commons.

That the system of the King acting by advice in the government of the realm, and being, according to the constitution, incapable of acting but by advice of public responsible advisers, is the practical constitution of this country, nobody can deny; yet the Learned Gentleman and the Honourable Gentleman *, with this clear and acknowledged principle before them, ask (I cannot

* Stephen and Banks.

help repeating it to expose it), "*In what charter, in what statute, in what written decree, do we find it declared that the delivering a public document respecting a discharge of a public duty to His Majesty, under the seal and advice of secrecy, so that it shall not find its way to the accustomed channel, and to the knowledge of His Majesty's other confidential servants, is unconstitutional?*" My answer is distinctly this: That the unconstitutional character of that act is not to be found in any charter, in any statute, or in any written decree, but that as a matter of invariable, ancient, and indelible usage, it is against the practical constitution of the country; and that the practice of the constitution can be made as clear, as certain, and as intelligible, as if it were emblazoned in black and white in the most distinct and legible characters.

I do not mean, Sir, in proving and illustrating this from history and authorities, to draw the House into minute considerations of detail, or into deep antiquarian investigation. Such a discussion is not well suited to this place, and, fortunately, it is not necessary to this subject; in which (as in all those general rules and regulations which are best calculated to govern and direct the conduct of mankind, the facts by which they are established are well known, plain, and incontrovertible. They may, no doubt, be made clearer by

research, and more confirmed by details, but they are manifest to general and popular observation.

All those who know the history of the official system (now so well understood, and so firmly established) know that the seeds of the system were sown in the earliest periods of the English constitution, and that they have gradually grown to strength and perfection. The responsibility of the advisers of the Crown belonged originally to the office of Privy Counsellor. Any person who has ever opened Lord Coke's fourth Institute, knows that the office of Privy Counsellor may be said to be as old as the monarchy; that it certainly approaches to the time of legal memory; that the great office of President of Council is an ancient and well-known office, which has existed during all that time, thereby affording direct evidence of the very early institution of responsible counsellors to the Crown; shewing that the principle of responsibility in the King's public and sworn advisers is an inherent part of the constitution, and evincing that there is no period of our history when the Sovereign could, according to the law and constitution, act by himself in the public concerns of the kingdom: but that the public affairs of the state ought always to have been administered by the advice of responsible sworn officers, by whatever name they might be called*.

* See Appendix B.

But, Sir, the Honourable Gentleman * says, in answer to the admirable speech of my Learned Friend † (a speech which fulfilled that expectation of talent so truly formed of him, and which it gave me, for many reasons, most peculiar pleasure to hear), that the Cabinet is of modern date, and is therefore no part of the constitution; and that conducting the executive government of the country by a Cabinet Council cannot therefore be founded upon as establishing the practice of the constitution. Surely, Sir, the Honourable Gentleman cannot think that ~~we~~ are to be put down with a word, or to be diverted from our principle by a mere name. Surely, Sir, he does not mean to argue, that because the name of *Cabinet* did not exist till comparatively modern times, that, in substance, *the thing* has not always existed as a fundamental part of the great system of executive responsibility in the practical constitution of this country? Does the Honourable Gentleman mean to say that the period can be named in which the King of England has ever, according to the constitution, acted of his own personal authority in public affairs? and that he has not always had responsible, sworn Members of his Privy Council to advise him? The King has, at all times, especially if the Privy Council was numerous,

* Mr. Bage.

† Mr. Brougham.

selected (and by his prerogative could always select) certain persons of that Council, in whom he more particularly confided, and by whose advice he more particularly acted*. That selection, in a bad sense, as in the reign of Charles the Second, when men, without character or principle, were chosen by that Prince to advise him, was nick-named a *Cabal*—from the first letters of the names of those who composed it†; in the good sense, and, now-a-days, it is ordinarily called a CABINET; but, in reality and in substance, it is a selection of the Privy Council, which has, in all ages, been known to the law, and the constitution; the essence and character of which cannot be varied by the designation given to it, and which, therefore, shows my Learned Friend‡ to have been perfectly correct in his view, and that the Honourable Gentleman§, under a mistake, has had recourse to a modern phrase in order to subvert an ancient system. Sir, I have already said that this system of selection of responsible sworn counsellors, as advisers of the Crown, is as ancient as the monarchy itself. At the period succeeding the Conquest, when the charters of our liberties were exacted from the Crown, the system prevailed. During the reigns of the Plan-

* See Appendix C.

‡ Mr. Baughman.

† See Appendix C.

§ Mr. Banks.

tagenets it was equally conspicuous. The best Princes of that race acknowledged the system in the most distinct manner; and in the reigns of the weak and misguided Princes of that line, particularly in those of Edward the Second and Richard the Second (to whose reigns I have already had occasion to refer), the advisers of the Sovereign were most severely called to account by Parliament*—thus exhibiting the constitution in distinct characters, by grave, deliberate, and well-ascertained overt acts, handed down in history, as transacted by our ancestors, and recognised, confirmed, and formed into shape by their posterity—showing at one view the responsibility of the King's advisers, the irresponsibility of the Sovereign, and the inquisitorial power of Parliament—the three grand and leading features of the constitution, of which, as I have already said, we must never lose sight, but always recognise as the cement which binds together and secures the free monarchy of this great and civilized country.

Look now, Sir, to the next era of our history, and you will find, that, amidst all the blood that was shed in the contest between the Houses of York and Lancaster, the same system prevailed; and thus it is established that there never was a period when this system of responsibility in the

* See Appendix D.

advisers of the Crown did not appertain to the executive government of the country, and invariably make a part of the constitution of England.

During the reigns of the House of Tudor, from causes which it is unnecessary to stop here to investigate, but which are well known to every person acquainted with the history of the country, the Crown was every thing and the Parliament nothing. Yet, during that period of suspension of the original constitutional functions, which has tended to mislead many in the just consideration of the constitution of England, and to give a false impression of our original rights, the system of office (which has ultimately rendered the responsibility of the King's advisers, the irresponsibility of the Sovereign, and the inquiring power of this House, so certain, so indisputable, and so perfect) was gradually and imperceptibly forming into regular shape, and by degrees brought to that pitch of correctness and accuracy, which better days, quieter times, and more enlightened discussion, have made the sure and easy means of extending freedom to so large a mass of mankind. If you will look into the history of the great offices of State, you will find that it was during the Tudor tyranny (a most extraordinary and unlooked-for occurrence) that the hitherto shapeless official mass first began to assume a more regular form and method;

that afterwards, during the reign of the Stewarts, amid all the various conflicts of that period, the official system was proceeding more and more to perfection—and, certainly with no such intention on the part of either race of Princes, became at last so correctly formed, and firmly established, as to be the main safeguard of the person of the King, and a grand security of the freedom of the people *. The Secretaries of State, who had originally been no more than the sealers and addressers of the King's letters, became gradually great officers of state, with great powers and great responsibilities. The office of Chancellor was, during those periods, brought nearly into its present shape. The office of Lord High Treasurer, or First Commissioner of the Treasury, came to be a matter of regular fixed appointment and establishment. The office of Lord High Admiral, or First Commissioner of the Admiralty, the same. The offices of Secretaries of State, the same. Thus, instead of the irregular selection of early times, those great offices of trust, responsibility, and state, which are now, and have for a long period been, perfectly and completely formed; were regularly appointed to discharge the duties of Government, and to advise the Sovereign. On the appointment to those offices by the King, the persons

* See Appendix E.

appointed, if not before of the Privy Council, are sworn, ~~ex officio~~, into the Privy Council; and, as the confidential counsellors and advisers of the Crown, form, with little occasional variations, what is now called the Cabinet.

In this manner, by this imperceptible course, the mere physical body of the official system (if I may be allowed the expression) was brought to perfection in shape and figure, but before the Revolution it was an uninspired and lifeless form, subject to violation by the reigning Monarch, while the powers of Parliament were not always properly directed to counteract the infringement; and when the pliancy of those appointed by the Crown was almost at all times ready to make the duties of their situation yield to the will of the Sovereign, and to become the base instruments of tyranny, instead of being upright advisers. But, ~~Say~~ the Revolution came. That great and wonderful event infused life and soul into this well-formed, but hitherto inanimate frame. Then it was that the passing of the Bill of Rights gave certainty and vigour to the efforts of Parliament, secured its power and its independence, and, by forming the character of its members, confirmed and regulated the discreet but firm exercise of the inquisitorial functions of the House of Commons. Then it was that the character of those who were employed in the public service, secured the just execution of the

system, and established the great doctrine of responsibility on a firm and unalterable basis; a position from which it cannot be displaced if this House does its duty. But if the violation of the system thus recognised in ancient, and thus practised in modern times—if a distinct act, subverting the established, invariable course of official communication by official document, is permitted to pass uncensured, the true principle of the executive government of England is at an end. On the contrary, if a private and secret communication to the King of public matter is condemned as adverse to the clear and invariable practice of the constitution, we are safe.

Sir, the course taken by the Earl of Chatham is as injurious to the inquisitorial power of this House as it is to the system of the executive government itself; for instead of being able to trace the public acts of the state through their accustomed channels, we shall remain ignorant of what the public acts are, or where the public documents are to be found; whereas, if the regular, well-known, and long-established official system is adhered to, information and inquiry can proceed with certainty and without obstruction. But, Sir, if the public documents of the kingdom are to be locked up in secrecy in the private repository of the King, and all access to them shut out, there is not only an end of the great system of

official responsibility and its controlling concomitant—the inquiring power of Parliament; but ~~that~~ ^{the} most sacred principle of the constitution ~~to~~ ⁱⁿ which my Honourable Friend under the gallery* has so justly referred, will be shaken to its foundation—I mean the principle, that *the King can do no wrong*.

In all discussions of the constitution, in every elementary book it is laid down, as a first and leading maxim, *that the King can do no wrong*; and it seems to me, were it not for the strange and unheard-of manner in which this question has been dealt with, that it would be almost absurd to ~~rest~~ ^{rest} upon this obvious topic for a moment. I refer to all who hear me, whether this is not what we are taught in early youth, and what we now teach our children. And am I now to be called upon in this enlightened age, in this enlightened assembly, after having learned these principles in my early life, and heard them in this House for thirty-six long years sanctioned as invariable and leading maxims as plain and certain as that I hear myself now speaking—I say, Sir, am I now to be called upon to prove this constitutional maxim to the House, when we have only to open the Commentaries of Blackstone †, to see, that when he

* Mr. Johnstone.

† Appendix F.

discusses the King's ubiquity, the King's perpetuity, and the other attributes of the Sovereign (as he calls them), that he likewise represents the King's perfection as the greatest and most important feature of the royal character, as that which, together with his perpetuity, secures at once to this free country the safety of the Monarch, and the independence of the people.

That the King can do no wrong is a maxim which should seem, on its bare statement, to be almost too strong for absolute monarchy, or even for the most deplorable despotism; yet this is the attribute of our King, this is the maxim applicable and appertaining to the Sovereign of a free people; to the King of this mixed and limited monarchy. What is more, this maxim, which sounds too strong for despotism itself, is that which (paradoxical as it may seem at first sight) fortifies against the influence of royal power itself, and protects the people from all ill-regulated arbitrary authority whatever. This it is which secures the Monarch from degradation, and places him in the most elevated state of dignity and safety; and such is the extraordinary and well-contrived system under which we live, such the just tempering of the different jarring elements of which our constitution appears (at first sight) to be composed, that by the sound practice of the appa-

rently discordant parts of the machine it proceeds with perfect smoothness and regularity, uniting the purest system of freedom with the most efficacious executive authority that ever blessed the civilized world, or was ever in any age or country extended over so large a portion of the human race. Whether the representative body is a little more or a little less correct, is not now the consideration—Whether it should be rendered more so, is not now the question. But I assert, that the grand and fundamental principles on which we have combined (the only instance in the history of the world) civil and political freedom on the one hand, and a powerful executive government on the other, rest mainly and principally upon the maxim that *the King can do no wrong*—out of which the responsibility of the King's advisers—the necessity of public documents—the absence of all secret advice and secret councils—the obligation on all executive officers to make their communications to approved Ministers—and the great superintending inquisitorial authority of this House, necessarily and unquestionably arise. Whatever therefore has a tendency to infringe upon, or to destroy, this attribute of the Sovereign, HIS PERFECTION, is destructive of the constitution. Shall it then be said, Sir, as the Learned Gentle-

man and the Honourable Gentleman * have argued, that the act of the Earl of Chatham, in delivering his Narrative to the King, is not unconstitutional? Does not such an act tend to violate, *directly violate*, that great maxim which I have been endeavouring to enlarge upon and enforce? Does it not destroy the official and responsible, and establish an *unofficial* and irresponsible, system? Does it not, by removing the communication from its regular channel, and placing the Sovereign in a predicament unknown to the constitution, make him liable to be obliged to act without an adviser? Is not this the immediate result of the transaction which we are examining, and does it not besides, by the unconstitutional injunction of secrecy, keep the other confidential advisers of the Crown ignorant of those facts and circumstances, on a knowledge of which their opinion must be formed, and their counsel to their Sovereign dependent? So that it is an act which at once interferes with the official system; embarrasses the inquiring power of this House; infringes the great maxim that the King can do no wrong; and, lastly, what has not yet been adverted to, introduces into the government of the country that most ruinous and unconstitutional of all practices, a *double government*, where

* Mr. Stephen and Mr. Banks.

one set of men, or one man, is to advise, and another set of men are to act and be responsible.

When I say that this is the immediate, the necessary and mischievous effect of what has been done; I beg to have it understood that I am not one of those who have 'or ever had any belief in the secret influence, which has been so much rested upon by some Gentlemen in the course of this discussion, referring to the secret influence of the late Earl of Bute—On the contrary, I utterly disbelieve it. I have been very many years an observer of the transactions of men in this country—I have, during all that time, lived in the greatest intimacy with the family of that Noble Person—I know their character to be that of the most perfect veracity; and relying upon my own observation and knowledge of public men and Ministers, and upon the veracity to which I have alluded, I am most decidedly of opinion, that the secret influence, which has been so often referred to, had no existence*; and that, from the year 1765, when the old Duke of Cumberland advised in forming the Ministry, the Earl of Bute never had any the least connexion, directly or indirectly, with public affairs.

But my opinion respecting the secret influence of Lord Bute has, in my way of viewing the motion before us, no influence whatever. I

* See Appendix G.

consider the question (if I may be allowed to say so) in a more enlarged point of view, as it regards the constitution; and, as in practice, tending to form, nay as actually forming, the most ruinous of all systems, *a double government*—with all the evils of ignorance and counteraction which belong to that deplorable system.

But, Sir, the name of Mr. Pitt is invoked with a view to create an influence in favour of this act of his brother the Earl of Chatham, as if Mr. Pitt, if now living, would have defended or given his sanction to this proceeding. Mr. Pitt and Mr. Fox, alas! are in their graves, but are we therefore to lose all sense and knowledge of the practice of the constitution? Are we to be idle and indifferent, and make no research to learn that which they knew? Is it fit or just to suppose that Mr. Pitt would have sacrificed, even to a brother, his unvaried and well-ascertained constitutional opinions on this subject? On this subject, Mr. Pitt's opinions were declared. They were uniform, from his earliest youth, and acted upon to his last hour. It was my fate to differ very widely, upon great and leading public points, with that great man; but of this I am sure, that no one who observed the whole tenour of his public life can doubt that he would have reprobated, in the strongest manner, this unofficial communication—this passing by the

regular established channels of responsibility—this secret communication to the King upon a public subject—this act of establishing a double government—this course by which the official and confidential advisers of the King were kept ignorant of the facts on which they were to advise their Sovereign. As to the other great and illustrious person, Mr. Fox, I lived with him for many, many years in the utmost private friendship, and the most unreserved confidence, communication, and coincidence on public subjects. * I shall therefore say no more of his opinions, than that I am confident that I have not expressed one sentiment that would not perfectly accord with his just and profound views of the constitution of this country.

Sir, there now remains of this momentous question but one topic untouched; and that is, the evil effects in practice attending such a course as the delivery of the Narrative by the Earl of Chatham. Fortunately, Sir, it is not necessary to travel out of the facts which the transactions respecting this matter afford, in order to illustrate this mischief. The Earl of Chatham returned from the isle of Walcheren in September, and, most unaccountable desertion of duty! the Right Honourable Gentleman opposite, the Prime Minister, the Secretary of State for the War Department, Lord Liverpool, as I have already said, never appear to have asked him for an

account of the causes of his ill success, or of the state of the forces which he left behind him.

Lord Chatham, however, thinks it necessary to compose, for his own defence and justification, a Narrative of his transactions, and completes that Narrative on the 15th of October. On the 20th of December the City vote their Address to the King, and here, Sir, give me leave to say, that the Address of the first corporation in the United Kingdom, nay, of the first corporation in the world, is, in the nature of an act of state, of no immaterial consideration, either as to the form of its reception, or as to the manner in which it is to be answered. Sir, the time has been, when there was an Earl of Chatham, who considered the acts and addresses of the corporation of London of no mean or trivial account—The Address of the city was to be answered—His Majesty was to be advised by his confidential servants to answer it—Under what circumstances?—In an utter ignorance of the Earl of Chatham's Narrative—totally unacquainted with the fact, that His Lordship had, by that Narrative, (to be placed in the hands of the King, who was to be advised by the Earl of Chatham to keep it secret,) attributed the ill success of the expedition to the naval department of the service. Is it possible for imagination to suggest a more apposite instance of evil effect, arising from evil conduct? Will not

the same principle apply to every other measure of advice to be given to the King, in any other department of the state? Can we then for one moment hesitate to declare, that the permitting such a practice would equally violate the constitution and injure the interest of the country? And is it a defence to say, that the Noble Lord had been acting in his character of military commander, had approached his Sovereign in that character; that he was a Peer and Privy Counsellor, and had a right to approach the King, or that his right was founded on his appointment, being under the sign manual?

I sincerely regret (as I have said in the outset) that Lord Chatham is the person who has fallen into this predicament; but whoever it might have been, at whatever era of our history it might have happened, I should equally reprobate it as unconstitutional. In the days "when Marlborough conquered and Godolphin planned," had that illustrious commander, who extended the glory of his country, in defence of the liberties of Europe, returning covered with laurels, attempted to step out of the official course to approach his Sovereign privately, to deliver a public narrative of his command, I should have said that it was a violation of the constitution; which could not be permitted in him or in any man; and that he, like all others, must lay down his laurels and his great-

ness at the door of the office of the Secretary of State, and enter there, as a *servant of the public*, to give an account of what he had done, in the accustomed, well-known, constitutional, and official channel; thereby securing all the responsibilities of advice, and securing the great attributes of the Sovereign against any infringement; avoiding the evils of a *double government*, and conveying to the responsible servants of the Crown all the facts, on which their advice may be required.

Sir, I ask no more of the Earl of Chatham than I should have demanded of the Duke of Marlborough.—At all times, against all persons, I should have contended for the doctrines which I have thus endeavoured to unfold and inculcate—doctrines, which I again assert, embrace the sound principles of the constitution, not drawn from theory but from practice; from the most obvious and most certain sources; from Lord Coke, Sir William Blackstone, and the various authorities to which they refer—from the Digest of Lord Chief Baron Coynys (an invaluable abridgment of constitutional as well as common law; pointing out from undoubted authorities, the readiest way to sound knowledge on all subjects of this description); from the examination of the history of the country, in its early periods,

when the principles were clear, though the form was not yet perfect; deduced from thence to the present time, through all the eventful periods of our history; confirmed at the Revolution, and handed down to the present period unimpaired until the present melancholy and unfortunate instance. On the most conscientious conviction, therefore, that I have delivered the true doctrine of the constitution, I feel myself bound to vote in terms of the second resolution: "That the Earl of Chatham, by private communication to His Majesty, accompanied by a desire of secrecy, did unconstitutionally abuse the privilege of access to his Sovereign, and thereby afford an example most pernicious in its tendency to His Majesty's service, and to the general service of the state."

APPENDIX.

A, NOTE on Page 6.

First Article of Impeachment of the first Set of Articles against Lord Strafford, 16 Car. I.—Hargrave's State Trials, Vol. i. Page 723

“ THAT the said Thomas Earl of Strafford hath traitorously endeavoured to subvert the fundamental laws and government of the realm of England and Ireland; and, instead thereof, to introduce an arbitrary and tyrannical government against law, which he hath declared by traitorous words, counsels, and actions, and by giving His Majesty advice, by force of arms to compel his loyal subjects to submit thereto.”

Third Article of the second Set of Articles.—Hargrave's State Trials, Vol. i. Page 724.

“ That the realm of Ireland having been, time out of mind, annexed to the imperial crown of this His Majesty's realm of England, and governed by the same laws; the said Earl being Lord Deputy of that realm, to bring His Majesty's liege subjects of that kingdom, likewise into dislike of His Majesty's government, and intending the subversion of the fundamental laws and settled government of that realm, and the destruction of His Ma-

jesty's liege people there; did, upon the 30th day of September, in the ninth year of His now Majesty's reign, in the city of Dublin, the chief city of that realm, where His Majesty's Privy Council and courts of justice do ordinarily reside, and whither the nobility and gentry of that realm do usually resort for justice, in a public speech before divers of the nobility and gentry of that kingdom, and before the mayor, aldermen, and recorder, and many citizens of Dublin, and other His Majesty's liege people, declare and publish, that Ireland was a conquered nation, and that the King might do with them what he pleased; and speaking of the charters of former kings of England made to that city, he farther then said, that their charters were nothing worth, and did bind the King no further than he pleased."

See likewise the Commons Journals at this period.

The first Article of Impeachment against the Earl of Clarendon, 14th of Nov. 1657, 19th Car. II.—Hargrave's State Trials, Vol. viii. Page 387.

See likewise the Commons Journals at this period.

"That the Earl of Clarendon hath designed a standing army to be raised, and to govern the kingdom thereby, advising the King to dissolve the present Parliament, to lay aside all thoughts of Parliaments for the future, to govern by military power, and to maintain the same by free quarter and contribution."

Lord Clarendon puts in a very detailed answer to this charge, denying the truth of his having given such advice; but making no observation against the validity of the charge, if it had been true.

1680—32 Car. II.—*Hargrave's State Trials*, Vol. iii.

Page 221—*Baron Weston's Charge to a Grand Jury in the County of Surry.*

See likewise the Commons Journals, 1686.

“And to speak truth, all his disciples are seasoned with such a sharpness of spirit, that it much concerns magistrates to keep a strict hand over them; and now they are restless, amusing us with fears, and nothing will serve them but a Parliament. For my part, I know no representative of the nation, but the King: all power centres in him: it is true he does intrust it with his Ministers, but he is the sole representative, and I faith he has wisdom enough to intrust it no more in these men, who have given us such late examples of their wisdom and faithfulness.” And this committee, taking the said matter into their consideration, came to this resolution:

Resolved, “That it is the opinion of this committee, that the charge given by the said Baron Weston, were a scandal to the Reformation, in derogation of the rights and privileges of Parliament, and tending to raise discord between His Majesty and his subjects.”

In the reign of Edw. II. the proceedings against Gavaston are full of illustrations of this doctrine.

The same is to be found in the various proceedings against the favourites and ministers of Richard the Second.

See Hume's History, vol. ii. page 346, quarto edition; *Millar's Historical View of the English Government*, book ii. chap. v. and the authorities cited by those authors. *See likewise all the contemporaneous historians.*

B, NOTE on Page 16.

Coke Littleton, Page 110, Section 164.

"The King of England is armed with divers councils; every one knoweth that he hath a Privy Council for matters of state."

Lord Coke's Fourth Institute, Page 53, Cap. 2—Of the Council Board.

"This is a most noble, honourable, and reverend assembly of the King and his Privy Council, in the King's court or palace. With this Council, the King himself doth sit at his pleasure. These counsellors, like good sentinels and watchmen, consist of and for the public good; and the honour, defence, safety, and profit of the realm. *A consulendo, secundum excellentiam*, it is called the council table; private causes, lest they should hinder the public, they leave to the justices of the King's courts of justice, and meddle not with them—they are called *Concilium regis privatum, concilium secretum, et certissimum concilium regis*. The number of them is at the King's will, but of ancient time there were twelve, or thereabouts. Of the universality of the King's several Councils, you may read in the first part of the Institutes, section 164."

N. B. Lord Coke cites many authorities from the rolls of Parliament.

See above, Co. Lit. 110.

Fourth Institute, Page 55, of the President of the Council,

"There is, and of ancient time hath been, a President of the Council, who was called *Principalis Consiliarius*, and sometimes *Capitalis Consiliarius*" (For this Lord Coke cites many authorities.) "In the Journal Book of Parliament, 5 Edw. VI. and 7 Edw. VI. Dux Northumb. 1 & 2 Ph. & Mar. Combs Arundel, &c." appear:

"Acts of Parliament, naming the Presidents of the Council, 21 H. 8. cap. 20. 31 H. 8. cap. 10. 34 H. 8. cap. 1."

"This office was never granted but by letters patent under the great seal, *durante beneplacito*, and is very ancient; for John, Bishop of Norwich, was President of the Council in anno regis Johannis. Holt, fol. 169. Math. Paris, 205, and Math. Westm. *Dormivit tamen hoc officium regnante magna Elizabetha*"

Comyns's Digest, Vol. iv. 424.

"The residue of the Council consists of such numbers as the King pleases." 4 Inst. 53.

"And by the custom of the realm, upon summons to the Council, and taking the oath of a Privy Counsellor, each of them continues of the Council during the King's life, with letters patent, or other grants." 4 Inst. 54.

C, Note on Page 18.

Blackstone, Vol. i. Page 229.

"The King's will is the sole constituent of a Privy Counsellor; and this also regulates their numbers, which

of ancient time was twelve, or thereabouts. Afterwards it increased to so large a number, that it was found inconvenient for secrecy and dispatch; and therefore, King Charles the Second, in 1679, limited it to thirty; whereas fifteen were to be the principal officers of State, and those to be Counsellors, *virtute officii*; and the other fifteen were composed of ten lords and five commoners of the King's choosing. But since that time, the number has been much augmented, and now continues indefinite. At the same time also, the ancient office of Lord President of the Council was revived in the person of Anthony, Earl of Shaftesbury; an officer, that by the statute of 31 Hen. VIII. cap. 10, has precedence next after the Lord Chancellor and Lord Treasurer."

Sir William Temple's Memoirs, third Part, Page 493.

"I saw a probability of matters growing to such a pass, that His Majesty might be forced to part with them: and yet I saw not authority enough left in the Crown, either to do that without the venture of great mischief, or to live without another Parliament, till the present humours might cool. And both these considerations meeting together, cast me upon the thoughts of the King's establishing a new council, of such a constitution, as might either gain credit enough with the present Parliament, by taking in so many persons of those who had most among them, and thereby give ease and quiet both to the King and his people; or if, on the other side, the humours should grow outrageous and beyond opposing, the King might yet, at the head of such a council, with more authority, and less hazard of ill consequences, either prorogue or dissolve them, as any

necessities of his own, or extravagancies of theirs, should require.

“ For these ends it seems necessary to take into the Council, some lords and commons who were of most appearing credit and sway in both Houses, without being thought either principled or interested against the government; and mix them with others of His Majesty's more general choice, for making up one half of the Council, whilst the other half, being fifteen, were ever to be the present chief officers of his Crown and household, who being all of His Majesty's known trust, as well as choice, would be sure to keep the Council steady to the true interest of His Majesty and the Crown.”

Hume's History, Vol. vii. Page 458.

“ It was remarked, that the committee of Council, established for foreign affairs, was entirely changed, and that Prince Rupert, the Duke of Ormond, Secretary Trevor, and Lord-keeper Bridgman, men, in whose honour the nation had great confidence, were never called to any deliberations. The whole secret was intrusted to five persons, Clifford, Ashley, Buckingham, Arlington, and Lauderdale. These men were known by the appellation of the *Cabal*, a word, which the initial letters of their names happened to compose. Never was there a more dangerous ministry in England, nor one more noted for pernicious counsels.”

D, NOTE on Page 19.

Whitelocke's Memorials, Page 99.—3 Edw. II.

“It is required, that strangers should be banished, the counsellors removed, public affairs be treated by the council of the clergy and the nobles, and no war be made without common council.”

Petyt's Jur Parliamentarium.

Cap. 7. In which the proceedings against the Earl of Suffolk, the Lord Chancellor, are detailed.

Cap. 8. In which the proceedings against the Archbishop of Canterbury, the above-mentioned Earl of Suffolk, Chief Justice Tresillian, and others, are detailed.

See likewise the Appendix to the third volume of Rushworth's Collections, page 262.

Rolls of Parliament, 6 Rich. II. Section 12.

“The Commons likewise pray for the honour and profit of your Majesty and the Commons, that your Majesty will be pleased to order certain lords to be placed about your honourable person, of the most wise, honest, and discreet persons of your realm, to counsel you, &c.”
To which the King answers: “The King will take about his person, such sufficient persons, lords, and others, as shall seem best for his honour and profit; and as to the rule and government of his household, he will act by the advice of the lords and others of his Council, according to such good rule as shall seem best for his honour.”

Whitelocke's Memorials.—25th Year of Edward I.

“When the King was at Winchelsea, embarking for the continent, being ready to take ship, the bishops, ba-

rons, and commons, send him a roll of grievances, of his taxes, subsidies, impositions, forcing of services, his imposing 40s. upon a sack of wool, being before but half a mark, and wool the fifth part of the substance of the kingdom.—The King sends answer, that he could not alter any thing without the advice of his Council, who were not now about him."

Hume's History, Page 291.

"The King told them, that the greatest part of his Council were now at a distance, and without their advice he could not deliberate on measures of so great consequence."

Rolls of Parliament of the 5th of Henry IV. 19th Section.

"Likewise on the same day the Commons prayed our Lord the King to make an ordinance, that no person should be named to belong to the household of our Lord the King, but honest and virtuous persons, and such as were of good repute."

Ditto, 7th and 8th of Henry IV, Section 31.

"Likewise on Saturday the 22d of May, the Commons came before the King and the Lords in Parliament, and there represented that they had prayed the King at the beginning of the Parliament, and since, and represented besides that the Archbishop of Canterbury had made report to them, that the King wished to be counselled by the wisest lords of the realm, who should have superintendence of everything that should be for the

good government of the realm; to all which the King agreed, and repeated with his own mouth, that it was his entire will; and upon this a bill was read, containing the names of all the lords who should be of the council."

Then follows the bill in the Rolls of Parliament.

29th and 30th of Henry VII.

See Whitelocke's Memorials, Page 142, 143.

Proceedings respecting the Duke of Suffolk.

And in *Whitelocke's Memorials*, page 143, the Council advise in the case of Cade's rebellion.

E, NOTE on Page 21.

Lord Coke's Second Institute, Page 556, in his Reading upon the Article Clerici.

"At the making of this statute, the King had another seal, and that is called *Signettum*, his Signet. This seal is ever in the custody of the *principal secretary*. And there be four Clerks of the Signet, called *Clerici Signetti*, attending on him. The reason wherefore it is in the Secretary's custody, is, *for that the King's private letters are sealed therewith.*"

N. B. He is not called at this period Secretary of State.

Lord Camden's Judgment in the Court of Common Pleas, in the Case of the Seizure of Papers.—Hargrave's State Trials, Vol. ii. Page 317.

"To consider then the question of the capacity of Secretary of State—This officer is in truth the King's private secretary; he is keeper of the signet and seal used

for the King's private letters, and backs the signet-ring in transmitting grants to the Privy Seal. This seal is taken notice of in the *Articuli super Chartas*, cap. 6; and my Lord Coke, in his comment upon the chapter, page 556, describes the Secretary as I have mentioned. He says he has four clerks that sit at his board, and that the law in some cases takes notice of the signet; for a *ne exeat regno* may be by commandment under the privy seal, or under the signet, and, in this case, the subject ought to take notice of it; for it is but a signification of the King's commandment. If, at the time my Lord Coke wrote his *Third Institute*, he had been acquainted with the authority that is now ascribed to the Secretary, he would certainly have mentioned it in this place; it was too important a branch of the office to be omitted; and his silence therefore is a strong argument, to a man's belief at least, that no such power existed at that time. He has likewise taken notice of this officer in the *Prince's Case*, in the eighth Report. He is mentioned in the statute of 27th Henry VIII. cap. 11; and in the statute of the same king, touching precedency; and it is observable that he is called in these two statutes by the single name of Secretary, without the addition which modern times have given him of the dignity of a state officer.

"I do not know, nor do I believe, that he was anciently a member of the Privy Council; but if he was, he was not, even in the times of James and Charles the First, according to my Lord Clarendon, an officer of such magnitude as he grew up to after the Restoration, being only employed, by this account, to make up dispatches

at the conclusion of councils, and not to govern or pre-
side in those councils.

“It is not difficult to account for the growth of the minister’s importance. He became naturally significant from the time that all the courts in Europe began to admit resident ambassadors; for, upon the establishment of this new policy, the whole foreign correspondence passed through the Secretary’s hands, who by this means began to be an instructed and confidential minister.

“The first time he appears in our books to be a grantor of warrants is in 1 Leonard, 70 and 71, 29th and 30th ELIZABETH, where the return to a *habeas corpus* was a commitment by Sir Francis Walsingham, Principal Secretary, and one of the Privy Council.”

Hargrave’s State Trials, Vol. ii. Page 731.—See also the Commons Journals, 1678.

“The first Article of Impeachment against the Earl of Danby was for giving instructions to His Majesty’s Ambassadors without the participation of the Secretary of STATE, or Privy Council.”

Clarendon’s History of the Rebellion, Vol. i. Page 210.

“The Earl of Bedford was to be Treasurer: in order to which, the Bishop of London had already desired the King ‘to receive the staff’ into his hand, and give ‘him leave to retire to the sole care of his bishoprick;’ by which he wisely withdrew from the storm.

“And so the Treasury was for the present put into commission. Mr. Pym was to be Chancellor of the Exchequer: which office the Lord Cottington was like-

wise ready to surrender, upon assurance of indemnity for the future."

F, NOTE on Page 24.

Blackstone's Commentaries, Vol. i. Page 246.

"Besides the attribute of sovereignty, the law also ascribes to the King, in his political capacity, absolute perfection:—*The King can do no wrong*;—which ancient and fundamental maxim is not to be understood, as if every thing transacted by the Government was of course just and lawful, but means only two things—First, that whatever is exceptionable in the conduct of public affairs is not to be imputed to the King; nor is he answerable for it personally to his people: for this doctrine would totally destroy that constitutional independence of the Crown, which is necessary for the balance of power in our free and active, and therefore compounded constitution. And, secondly, it means that the prerogative of the Crown extends not to do any injury; it is created for the benefit of the people, and therefore cannot be asserted to their prejudice."

G, NOTE on Page 28.

*Lord Mount Stuart's Letter, 21st of October 1778.—
Doddsley's Annual Register, Vol. xxi. Page 256.*

"Here is a letter under the Earl of Chatham's hand, vouched to be such by the authority of his family, imputing to Lord Bute those counsels which Lord Chatham says (whether justly or erroneously, is not the present

subjection have ruined the King and kingdom. Every reader will at once have understood this imputation to be founded on Lord Chatham's opinion of Lord Bute's secret influence (as it is called), by which he has been imagined to dictate or control the measures of the Cabinet ever since the Earl of Chatham left it. Lord Bute has not been ignorant of the long prevalence of this error, having seen himself most injuriously treated in consequence of it, for many years past, by writers of pamphlets, newspaper essays, and political paragraphs; all which he passed over in silent indignation and contempt; but when he sees the same cruel mistake advanced and countenanced by such an authority as the Earl of Chatham, he thinks he should be wanting to himself, if he did not encounter it with the best evidence that can be supposed to lie within his reach.

"There are but two persons in the kingdom who are capable of knowing the negative of that opinion with absolute certainty. One of them is of rank too high to be appealed to, or even mentioned on this occasion: the other is himself; he does, therefore, authorize me to say, that he declares, upon his solemn word and honour, he has not had the honour of waiting on His Majesty, but at his levee or drawing-room; nor has he presumed to offer any advice or opinion concerning the disposition of offices, or the conduct of measures, either directly or indirectly, by himself or any other, from the time when the late Duke of Cumberland was consulted in the arrangement of a ministry in 1765 to the present hour."

THE END.

A
SKETCH
 FOR THE
IMPROVEMENT
 OF THE
POLITICAL, COMMERCIAL, AND LOCAL
Interests of Britain,
 AS EXEMPLIFIED BY THE
 CANALS AND NAVIGATIONS OF EUROPE IN GENERAL,
 AND OF
ENGLAND IN PARTICULAR,
 Including details relative to the intended
 STAMFORD JUNCTION NAVIGATION,
 and the Eastern, with the Midland and Western Counties of the
KINGDOM.

*The extent of the Canal Trade, in a manner similar to a comparison of the
 Home and Foreign Trade, as exemplified by the foregoing statement*

Smith's Wealth of Nations, vol. ii. ch. viii.

BY
J. JEPSON ODDY, Esq.

Author of Europe in Commerce

ILLUSTRATED WITH A CANAL MAP

LONDON:
 PRINTED FOR J. J. STOCKDALE,
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TO

G. N. NOEL, ESQ.

SIR,

IN addressing to your notice the following inconsiderable tract, I feel myself impelled by a two-fold obligation,—the acknowledgement of your favour to myself, and the conviction of your exerted interests for that Borough, in the canvass of which I am honoured by your support.

I am inspired in no common degree by your candid and honourable avowal of the sentiments which operated on your mind in my behalf. When the circumstances of your anterior opposition to my election, at the severe contest for the representation of the Borough of Stamford in Parliament, nearly twelvemonths ago, is reconciled with a change, such as I, with gratitude, have experienced, none can question the purity of the source whence it emanated.

Your address to ELECTOR, while it teems with your characteristic principles, presents to my anticipating prospects the realization of *independence* to STAMFORD,

which you have been pleased therein to say would result from my election. No inconsiderable portion of my triumphant satisfaction proceeds from my having ranged on my side an auxiliary so important, in point of birth, property, honour, and discernment.

When you asserted, Sir, that your advocacy of my cause originated in a desire for "*a warm, not a withering policy,*" my efforts became incessant to promote the wish of your adoption to the benefit of Stamford and the neighbourhood. In the most flattering and honourable terms you have expressed your opinion with regard to my views; you have pronounced them to be

liberal; and my intent in the subsequent pages is if possible to add confirmation to your previous statement. Allow me, Sir, to say, that I should be extremely deficient, not only in gratitude but in self-regard, if I neglected an opportunity of opening an additional avenue to your increased estimation and support.

Possessing as you do the valuable talent of properly appreciating such endeavours. as the present, no one is more highly qualified, through the prefixment of a name, to give it its merited diffusion.

With sentiments of the highest personal

consideration, and a pleasing consciousness
of your efforts for my cause,

I have the honour to be,

SIR,

Your very obedient,

and very humble servant,

J. JEPSON ODDY.

*St. James's Square,
London, Feb. 7th, 1810.*

SKETCH
FOR THE
IMPROVEMENT
OF THE
POLITICAL, COMMERCIAL, AND LOCAL,
INTERESTS OF BRITAIN,
&c. &c. &c.

ANTECEDENTLY to the French Revolution, the precepts and routine of courts, in politics as well as in commerce, whether in peace or war, were understood and regulated by nearly one and the same standard, among the civilized powers of Europe. Political views were then paramount to all others; and, their consideration being exclusively territorial, commerce, unwisely, became an object of mere secondary estimation. Political *economy*, and those principles which constitute the real power and wealth of states, were but imperfectly understood and less practised.

The French Revolution, however, was produc-

tive of a general alteration in these matters, and avowed itself the parent of political doctrines altogether new and formidable in their nature. The extraordinary and terrific operations of an era, so dreadful as that of the revolutionary concussion in what was formerly France, carried ruin and desolation, not only within its sphere, but, out of it, produced the fall of empires, kingdoms, and states, previously considered as unrelated.

Britain, from its insular situation and the new state of things, cultivated all the benefits arising from its natural security, and sedulously improved those advantages from which continental Europe became excluded. In this novel construction of affairs, it is found that our commerce, creative of wealth and power, has nerved those sinews by which we have been enabled to make head in a struggle, unprecedented in its nature, in its magnitude, and its object: and, while the independence of the other European powers approximates to decay, ruin, and desolation, the soil comprised within our seagirt boundaries has evidently proved to be the healthful asylum of consumptive liberty. When the last year added to the reiterated defeats of Austria, and the entire submission of mutilated Sweden increased the number of states already subject (as far as the arbitrary dictation of his policy could make them) to the conqueror of continental Europe; when the only remaining *powers* of Spain, Por-

tugal, and Turkey, are upon the point of swelling the account of the fallen; when, in short, the entire continent of Europe, under the sole controul of the gigantic Gallican power, presents a necromantic circle of dominion, out of which we are exorcised; when no ingenuity can devise either a rectilinear or curved approach to its circumference; then is our situation indeed become serious in the extreme. No friendly balance by alliance, in Europe, or its free intercourse of trade is any longer contingent to our solitary exertions. Nor are the prospects less portentous and imposing on the whole continent of America, though in their respective bearings, distinct interests, and probable results, of a widely different nature, but at the same time of the greatest importance to the interests of Great Britain, and to the world in general.

The new world is not yet, according to the nature of things, emancipated from its minority. There must be some dependence on the parent; and, in fact, the causes which operate unfavourably on the tenure of the one, must prejudice the entailment of the other.

No dominion, of human policy, can be so fatal to the fabric which it rears as the investiture of a supreme power in a *body* of speculative projectors. Of this opinion no stronger demonstration can be given than the dissolution of

the celebrated *Hanseatic league*! The British India Company have farmed their commerce at a rack-rent, and is it wonderful that oppression, avarice, and ambition, should create division, and division ultimate estrangement?

Seemingly pregnant with great events are the future prospects in Asia," where our immense empire has not only been menaced, but actually endangered, by the feuds and dissensions which fatally subsist between the military and civil powers. Our Eastern *dependencies*, from this convulsion of dangerous policy, will hail the day of non-existence under that name, more than from all the machinations and intrigues of France, or the most strenuous efforts and prone defection of the natives.

Nearer home we have to contend with an enemy possessing not only the most fertile but capacious and prompt mind, aided by the most extensively-powerful resources that history has ever recorded, at the disposition of one man: add to these, a hatred the most inveterate towards this country, and a studied bent towards its destruction, if not by immediate, yet by progressive and subtle steps. The total is an alarming summary of the powers, views, and possibilities, within the grasp of this Hannibal in policy, tactics, and national hatred. Of their agency and extent we have annually but too many convincing proofs.

At the commencement of the present war many powers, then amicable to us, have been converted, by our inveterate foe, into his submissive allies, and others are permitted to exist but as conquered vassals. To particularize by denomination is useless; there is only one single *sweeping statement*,—the *whole* of the European continent is now nearly subdued, and shortly will be subject to the controul and direction of one vast, active, and vigilant power; and I need not say that power is France.

The name of the French will shortly be absorbed in that of the *Western Empire*, in which the light of political liberty will possibly set for ever.

We shall then be shut out from all direct or open intercourse and traffic with the European continent. Its whole maritime line of frontier, (including the multifarious naval resources of its interior,) extending from the White Sea to the Dardanelles, and even along the northern shores of Africa, comprehending the whole population of the continent, will be brought to act against us, united in one powerful phalanx, as it were, at the immediate motion and direction of France.

From the past we may judge of the future. Every stratagem and every effort that human genius and daring intrepidity can devise will be exerted against us, not for the simple purpose

of humiliating us into a negotiation for a fair and equitable peace, but to accomplish our subjugation. The celebrated denunciation of "*delenda est Carthago*," made by the Romans against their great commercial rival, is modernized by the artful Napoleon, and directed against this country with as much popularity *as currency on the whole* European continent, and other parts of the world where his influence can reach. These are awful truths and melancholy prospects.

It is, in fact, no longer a war of mere emulation between two powerful and independent nations, mutually calling forth their resources and energies, to acquire reciprocally an honourable and solid peace, or those advantages from one side, which would be highly gratifying to an ambitious enemy on the other. No: it is the mighty and unintermitting effort of a colossal power, boundless in desire of aggrandizement, and steadily aiming at the exhaustion, or rather destruction, of the only remaining independent *state*, which bars its way to the attainment of universal dominion.

I again repeat that our intercourse with the European continent, in a free and unrestricted manner, may now be considered as very precarious, if not totally lost to us, notwithstanding those apparent relaxations in the commercial code, which the enemy in his wily web of policy has recently thought proper to announce. Our government, no doubt, will grant such circumspect facili-

ties towards encouraging and promoting a commercial communication with the continent as are best adapted to existing circumstances, and calculated to frustrate the new views and policy of the enemy.

Excepting the means afforded by the Mediterranean, we shall be excluded from all intercourse with the south of Europe; but through this important inlet between Europe and Africa we may, with care and address, make it capable of yielding as great advantages to national benefit and commercial enterprize as are to be derived from any quarter of the globe.

By this key, it appears quite practicable to establish that commerce, by the Levant, with Persia, which has hitherto passed through Russia, where it is loaded with heavy imposts and charges. Yet the Russo-Persian trade of this country has exceeded upwards of half a million sterling annually, notwithstanding all these disadvantages. With the Greek Islands and the circumjacent coast, with Turkey, the south of Germany, and the Barbary powers, (even to the interior of Africa,) our commerce through the Streights might be considerably augmented. Its former channels, by means of Venice, Leghorn, Genoa, and Marseilles, and along the European shores of the Mediterranean, and the northern coast of Africa, might equally well, and with greater security, centre in the islands of Malta and Sicily. Sub-

sequent policy will probably induce the necessity of coalescing the latter island with the British possessions. It can only in its present state of occupancy be a mere useless appendage to the parade of royalty. The imputation of perfidious seizure on our side would be best rebutted by the alternative of French mastership, and the consideration of that imprudent expense, so uselessly bestowed by us heretofore in maintaining it without the intended effect. Those islands would be secure depôts, or entrepôts, for British produce and manufactures; as they would indeed become the general mart of Europe, Asia, and Africa, under the protection of our navy *only*.

In a sketch of this description, a complete analysis and accurate calculation of the past and present returns made through the Mediterranean trade cannot be expected; neither would it be fair to look for a minute detailed account of what it may become hereafter; but that it has been greatly neglected is true, and that it might be considerably augmented is most certain.

The amount of the whole trade to and from Great Britain to all places within the Steights of Gibraltar was, in the year 1802, upwards of 4,000,000*l.* sterling in exports, and 1,800,000*l.* sterling in imports. But such was its neglected state, in the year 1806, that our *exports* were *only* 1,065,000*l.* whilst our *imports* continued nearly the same as in 1802. In the last-named year, 952

British and 219 foreign ships entered inwards and cleared outwards in Britain; while, in the year 1806, the entrances and clearances were, of British vessels, 135 only, but of foreign 583!

Without pretending to estimate the extent of the trade, capable, by means of the Mediterranean, of being cultivated, it is impossible here to enter into minutiae. I believe however that from 7 to 8,000,000*l.* sterling, per annum, in the exportation from Great Britain, would not be a probable excess; particularly if we compare our former trade with those parts, and also consider that the share which Spain, France, Italy, Persia, Asiatic-Turkey, and Africa, had, would be subject to our entire engrossment; taking also into account the population of those countries to which British produce and manufactures would of necessity find access.

• But there is a greater political object to be attained, at a comparatively trifling expense, for the interests of Great Britain in that quarter, whenever the Cabinet, in the Foreign Department of Downing-street, shall have leisure to direct its attention to so *important* a subject.

It may be said of commerce, "*that, as one door is shut another will open.*" Though we are likely to be excluded openly from the markets of continental Europe, yet we shall find the whole immense American Continent, in its wide extent and vast population, amply to compensate in the consumption of our produce and manufactures.

The colonies of Spain and Portugal, severed from the subjugated mother-countries, will become independent States, destitute of manufactories and resources, and of political ties in the first instance. What alliances can they form, or where can they look up to for aid or protection, but to Great Britain? She can best guard the elementary approaches to their freedom, and, from her own interested vicinage in the New World, will most zealously court and improve the new-born connection.

The commerce of Great Britain with Portugal, previous to the emigration of its Court, was permanently about 1,170,000*l.* in her exports, and her imports from thence averaged about 920,000*l.* sterling, per annum. Our intercourse with Spain has been subject to frequent vicissitudes since the French Revolution. The imports from thence to this country have been generally about 700,000*l.*; and, in times of friendly intercourse, previous to the present alliance, our exportation thither has annually amounted to from 1,000,000*l.* to 1,300,000*l.* sterling. The *indirect* commerce of British adventurers to Spanish America, during the same period, was, in the amount of the exportation, nearly 300,000*l.* and our imports in goods about 200,000*l.* sterling, per annum, whilst the specie went to other quarters, for the purchase of produce, to some advantageous market in Europe.

But what is worthy of observation is, that, in

the year 1807, the year previous to the American Non-Intercourse Act, the exportation from the United States of America to the Spanish colonies in that quarter (*although an illicit trade*) was chiefly in *British produce and manufactures*, and amounted to the sum of 2,200,000*l.* sterling; whilst the value of their own produce exported to the same quarter was only 558,000*l.* sterling; which is an evident and convincing proof of the great predilection in favour of British articles.

There cannot be a more striking illustration of this position than what is exhibited in a Statement of the Commerce of the United States of America, in the year previous to their Non-Intercourse Act, or Embargo, in which year she exported to the various European markets at rivalry with us, of colonial produce, to the amount of 8,924,400*l.* and of her own to the amount of only 7,138,800*l.* sterling. Since the Non-Intercourse Act of the Americans, there has been no competition against us in the European markets; and this fact alone, with the foregoing statement, and the operation of our licences in facilitating the superfluous produce of the enemy being brought to this country, (taking specie in return for payment, instead of the proportionate quantity of merchandize,) all accounts at once for the great excess of revenue in our national treasury for the last half-year. But, though the public revenue may have been benefited, it is

probably at the expense of the metallic circulating medium, which of late has disappeared. What has considerably contributed thereto, has arisen in some measure, from the effect of the orders in council, which has produced a ruinous exchange on the continent against us, and from our having received all the superabundant produce of the enemy in foreign vessels: the amount of the freight has been taken back in *specie* to an immense extent. The freight, for instance, paid from the Baltic in British vessels, after the French Revolution, was 35s. per ton, whilst we have paid, in specie, last year to foreign vessels, at from 28l. to 32l. per ton, for the very article of hemp which we could raise at home.

Great Britain, no doubt, for her colonial produce, has not only experienced an unexpected demand in the European markets, entirely through the policy of the United States of America, but from others in different parts of the world, to which by her neutrality America had access; including the British possessions, the Spanish, the French, the East and West Indies, and even China;—to all which quarters America, in the year before-mentioned, exported of her own produce 3,840,000l. and of foreign produce and manufactures entirely European, and a great share British, 4,275,000l. sterling.

By the Non-Intercourse Act, as it is termed, the Americans have shut themselves out from partici-

pating in the general commerce of the world, and thrown, so much directly into the lap of Great Britain, and directly and indirectly to our colonies and possessions. Our American colonies in particular have been benefited by the employment, of from 50 to an increase of upwards of 500 sail of shipping the last year, occasioned by the Embargo-Act of the United States.

It is not only the advantage in articles of traffic Great Britain has derived by the policy of America, but the British ship-owners have profited in an extraordinary degree by the measure. The aggregate quantity of shipping of the United States was 1,397,265½ tons, in 1807, and in the same year the quantity of tonnage of England was only 1,797,182 tons, but that of the aggregate of the United Kingdom, and its plantations, 2,281,621 tons. So large a proportion of American shipping excluded from general intercourse is not only highly favourable to the British shipping-interests, but likewise to the trifling quantity of other European shipping, rendered neutral by British licence and protection.

The aggregate exportation of America, in the year 1807, was equal to 24,377,400*l.* sterling, nearly one-half of which was in her own produce, and the rest the produce and manufactures of Europe. America has therefore by her policy *forced* that quantity of trade upon us, which we should not otherwise have had, and which accounts

for our apparent increased prosperity, under all the external difficulties with which our commerce has laboured.

It is not only our revenue which has been benefited by American policy, but our manufactures and produce have found new channels to those markets, whither they were formerly conducted by the Americans themselves, on account of their neutrality. And our own islands in the West-Indies, as well as our colonies on the American Continent, derived considerable advantages from this interdict of intercourse, through necessity occasioning the production of their natural resources, which will of course now continue beyond the period the United States shall keep aloof from friendly and commercial relations.

From America, we will again turn our eyes towards Asia. Should the legislature, in its wisdom, so model a perfectly new system of government and policy for our Indian possessions as shall be calculated to increase the general advantages of the country at home, and strengthen our power and increase our influence abroad, by making a free and open trade with Great Britain, then there will be created a greater demand, by individual enterprise and activity, for our domestic produce and manufactures. By such a procedure we shall derive increased commercial benefit within ourselves, at the same time that we shall acquire greater political and commercial influence with

other powers, by putting these possessions on a colonial instead of a monopolizing system. The present mode of ruling India is not only systematically impolitic, but ruinous to the direct interest of the country.

Having the command, as the British India-Company have hitherto had, of such an immense empire, with a population of nearly sixty millions of souls, there appears something unaccountable, that the exports of our produce and manufactures to India should amount only, in official value, to about two millions sterling per annum. If the field were left unconfined by the walls of exclusion at present drawn around it, and opened to the daring spirit of British genius, national benefit in a considerable degree would be the immediate consequence of this national disenthralment. In the British exports to the East Indies, I have not taken into account the great quantity of bullion and specie, annually sent out of this country, to the amount of from 6 to 800,000*l.* sterling, which, together with the heavy bills drawn on the company from China and India, in lieu of payment in British produce and manufactures and other causes not to be detailed here, has contributed to the scarcity of the circulating metallic medium at this time at home. The importation of the East-India Company, till within the last few years, was, upon the average, about six millions sterling per annum in official value, but it fell suddenly to some-

thing more than half that amount. Two causes may have contributed to produce this great alteration: first, the rapid increase in magnitude and amount of the cotton-manufactures in this country, reducing not only our domestic consumption of piece-goods, but the foreign-exportation, too, supplied by the cotton-twist, which but ten years ago was an entire new article of export, but which has become one now of great amount, and is permitted to importation by the enemy.

The next and most important cause originated in the advantages enjoyed by the United States of America of trading to India, in which commerce she entirely supplanted, without comparison, the British India-Company in all the European markets by the neutrality of her flag, consequently lower freights, insurance, and wages, and chiefly upon British capital and credit. The Americans, by the European manufactures and their own produce, as I have already stated, ran directly to the Spanish main, where they received hard dollars in payment, at about 3*s.* 10*d.* per piece, with which they made immediately for China and India; and, as ready-money purchasers, had no competitors in the quality of the article best suited for the European as well as American markets. The British India-Company, loaded with the expense and support of their government, sending out dollars purchased in the London market at 4*s.* 8*d.* and 4*s.* 9*d.* per dollar,

such an immense difference, with the great disadvantage of exchange to the Company in the drawing of bills from China and India, for what was deficient in the amount of the export of British produce, manufactures, and bullion,—higher freights and charges paid by the Company and higher cost of specie sent out than paid by the Americans—are all incontrovertible evidences and causes of the declining commerce of the Company. To this even British capital has most essentially contributed by the American flag, under which the London, the New York, the Paris, the Amsterdam, or other capitalists, had equal advantages. This is all owing to the monopolizing charter of the Company, which grants to foreigners and *foreign flags* those advantages *denied openly* to British subjects and British capital. The Americans had, previously to the Non-Inter-course Act, nearly an equal quantity of shipping per annum, from India and China to America and Europe, with the British Company.

Singular as the opinion may appear, the independence of South America will, in defect even of an earlier cause, most materially affect the existence, if not bring about the dissolution of our East-India-Company. But, as the compact with government stipulates for three years notice, from the 11th March, 1811, the subject will in due time become a matter of general consideration to the political, commercial, and manufacturing interests of this kingdom; and will open an ave-

due of the first importance to the enterprising spirit of our manufacturers, merchants, and ship-owners.

It is not intended here, because it is not possible, in a narrowed tract like this, to enter into minute details on subjects of such a general and complicated nature as those which I have thus briefly noticed. They are merely brought forth as suggestions submitted to the serious consideration of the legislature, and so far necessary, as they will tend to shew to the country, that there are in store vast openings and new markets for our manufactures and produce. To promote and foster them by every possible encouragement is obviously necessary, when they become the great staple of our hitherto dormant and unexplored resources. If we take an unbiassed view of our present political situation with the various powers on the Continent, or rather when we contemplate that there is but one power on the European continent. If we view the United States of America, the Brazils, and Spanish America, and lastly the East Indies: our prospects are of a perfectly new and partly an obscure nature, but sufficiently obvious, however, to make us look carefully to those means and to use those exertions which can best secure our independence, maintain our power, and promote our prosperity.

To secure these important objects, let us scrupulously attend to our domestic resources, the first

and greatest of which is sustenance. Although much has been done in agriculture, since the board for its encouragement has been established, we have yet in England upwards of twenty million acres of land, * which no plough has ever touched, besides many millions of acres susceptible of a more perfect cultivation; all of which, by our energies and industry, may be made to furnish the kingdom with immense wealth, and render us independent of all other nations for the necessaries of life, as well as afford the materials requisite for our naval, military, manufacturing, and commercial, purposes. The encouragement to agriculture in this kingdom is great, when the average price at which foreign grain can be imported for consumption is fixed so high, (whether prospectively political or not, is not here the question,) but it furnishes present encouragement to the object now recommended. In a national point of view, it is however of the very first importance, as the means of acquiring sustenance must always regulate the population, the wealth, and the power, of a state. Agriculture and manufactures will then go hand-in-hand, and will bear the same auxiliary relations one to

* As the great Adam Smith has observed, the cultivation of land is creative of a two-fold revenue, namely, of remuneration and provision. Of what importance is it not then to bring this source of national aggrandizement into action?

the other as the navy to our commercial fleets, and *vice versa*. It must be owned, however, that our manufactures have been the great cause of our rapid wealth and power, therefore the greatest encouragement and care should be given to foster and promote them; one half of the amount of the manufactures which we now export may be said to be new to us, insomuch as they are articles which were unknown to commerce a century and a half ago.

At the close of the American war, the amount of the exportation of our domestic produce and manufactures was only about nine millions sterling; but, at the commencement of the French Revolution, the exportation had already increased to fifteen millions sterling.—Since that period, our manufactures have proceeded *aquis passibus* with our wealth and power, or rather the latter have been created by the former; and, notwithstanding all the obstacles and prohibitions on the European continent, the amount of British produce and manufactures exported, on the average of the three last years, has been twenty-six millions in official, or about forty-two millions in actual, value.

At a period when American intercourse is deemed, in fact, more necessary to the parent than to the child, it may not be supererogatory to establish by proof the contrary position.

The Americans have been enabled, entirely by

the means of British manufactures obtained on long credits (forming a false capital on their side,) to extend their commercial operations. Notwithstanding the population of the United States, and the supposed consumption therein of British manufactures, the quantity is less in reality than has been estimated. The amount of British produce and manufactures exported to the United States of America was, in the following years, ending 10th October, .

	From Great Britain	From Ireland
1806	£7,830,064	£188,727
1807	7,264,212	126,520
1808	3,798,337	9,440

From these facts, some estimate may be formed of the amount the United States have re-exported in their trade to these quarters, which I have before mentioned. Thus it is evident that America has no great capital, independent of her reliance on the mother-country.

As to the importation into Great Britain of produce from the United States, we could be wholly supplied from our own plantations in North America with the very same articles. Cotton, wool is the only exception; for this article we have paid the United States upwards of two millions sterling, per annum, for the last three years. We can have it in sufficient quantities, however, from our own colonies in the East and West Indies, and other quarters. For grain and

four we have paid annually to the United States considerable sums; and in 1807 our payments in this way were upwards of 900,000*l.* sterling, from our own folly in neglecting our domestic agriculture. Upon the whole, in the exportation of British produce and manufactures to the United States, however specious the appearance may be, of a greater balance left in our favour than the amount we take in produce, or articles of traffic, in return; in this instance, the causes already stated enable us not to reckon upon the numerical difference in amount, but the indirect results as more favourable to the United States than to Britain.

Should the federal system of that country hold out, it will become a considerable power, and no doubt realize the hopes it has long entertained, of possessing all the British and other West-India islands. On this account I have always held in view the abolition of the slave-trade as a measure of the soundest policy, exclusive of humanity. It should be a warning also to the British capitalists to withdraw their property in due time, as it will be employed much more advantageously in India, where the same articles can be raised at a third of the price that they now cost the producer in the West-India islands.* Upon this

* In the instance of sugar, the finer and inferior sorts, upon the average first cost, can be raised in India, at from about 8*s.* to 10*s.* per cwt.

principle should the United States ever occupy these islands we shall be enabled to make the conquest of little worth, by under-selling them in every quarter of the globe.

Spite of the darkened cloud which hovers over our horizon, let us call forth the immense natural and artificial resources we possess, to strengthen our political consequence, and give weight to our commercial importance. Let us only consider the wealth that may be derived from our soil, by the raising of grain for consumption, the growing of hemp for naval purposes, and the rearing of flax for the linen manufactories, besides timber for all requisite purposes. The mineral and subterraneous treasures of our island, as iron-stone, coals, &c. &c. are also sources of great national enrichment. In like manner are the streams, rivers, *inland-navigations*, and the several fisheries on its coast, all which, with proper management and industry, can be made contributory to our opulence and prosperity.

To illustrate these resources in a more striking point of view, it may be observed that a piece of iron-stone, taken out of the earth, and not of one penny value, may, by art and labour, be manufactured, so as to produce eight hundred pence. When a fleece of wool, which shall not cost ten shillings, shall produce cloth to sell for ten pounds; and when a set of the best English China, which shall sell for two hundred pounds,

is made, in Staffordshire, out of a foot of solid earth; what resources may we not conclude from such premises of fact, to exist in this country, if we would but bring them forth, aided by industry, enterprize, and capital, with the judicious division of labour, and mechanical facilities daily discovered and exercised?

Amongst the most valuable and important discoveries of the present day, is that valuable analysis of coal by a chemical process, yielding an inflammable gas, with which we can light our houses, streets, and manufactories, instead of using tallow or oil, of the former of which there has been annually imported to this country, from Russia, to the amount of upwards of two millions sterling. The oil, which is the produce of our fisheries, we might export abroad to the amount of upwards of four hundred thousand pounds each year; whilst the gas, as above obtained, would afford us a light and a degree of brilliancy much superior to either oil or tallow, and at a very trifling expense. The coke, which is the produce of the coal, is applicable to all the purposes of the latter, in a more useful and convenient state. There is besides obtained, from the combustion of this simple mineral, a supply of pitch and tar, both infinitely superior to what we import, and its produce exceeding in quantity. The next practical resolution is into ammoniacal liquor, an article highly esteemed by

our dyers; besides several other products almost beyond the belief of one who has not heard or read the evidence exhibited before a committee of the House of Commons,—documents which must do away that prejudice so unjustly entertained against this most valuable discovery, which is certainly one of the first in point of national importance. In fact, its merits and the items of apparatus and operation require only to be known and understood, in order to be appreciated. Prejudice will vanish before comprehension, and its principles of general application and utility will be universally admitted and adopted.

Susceptible of high cultivation as the soil of England is, and abounding in different parts with various materials requisite for our manufactures and commerce, of what avail would these be comparatively, were it not for the expediting advantages of canal navigation, by which internal traffic can be carried on, and intercourse with the most embosomed districts maintained, at the cheapest possible rate. By this medium all the ports may be connected through the interior; the raw material can be brought cheap from a distant quarter to the place where there are local advantages for manufacturing; and we may convey the manufactured article from thence to the maritime towns for exportation. By the formation of canals, intersecting the kingdom at different points, and the union of navigable rivers,

the greatest inducement is held out to agriculture and manufactures, as the products of both meet with a more reasonable and facilitated conveyance than by land-carriage, which, from its extraordinary expenses, saddles our commodities with burthens retarding the progress of sale at the foreign markets.

At a period when the rise upon every article, either rude or manufactured, necessarily from the involvements of war, outgoes its proportion with improvement, it may not be amiss to take advantage of the general doctrine experimentally conceded; namely, that the real price of the article is diminished proportionably to its improvement. If then *this* scheme of *diffusive* amelioration be resorted to, is it not logic and common sense to infer that a diffusive depreciation of commodities must ensue?

These are public considerations, in which every individual of the nation becomes interested. In the projection and execution of inland navigation the French at this moment are particularly employed; they consider it as one of the most important objects to the country, and they devote the most incessant application to its furtherance. The measure however, in France, is different, as to necessity and urgency, from what it is here: in the former, it is only a preparation for an *expected* guest, but, in this country, it should be considered as the indispensable accommodation

of a *long-resident inmate*; ; I need not say that I allude to commerce. To Great Britain, the national prosperity likely to be promoted thereby will be more amply detailed in the following section, to which I impressively solicit the reader's attention, and that of the legislature in particular, at this truly momentous crisis.

The wisdom of calling forth all our domestic resources, susceptible of extensive public and private benefit, must be universally felt and acknowledged. It is on these principles, therefore, that I claim attention to the project, which I shall presently have the honor to detail. It is one not of a local advantage, but of general public interest, replete, from its natural adaptations, with the greatest national benefits. I mean, the INTENDED STAMFORD JUNCTION NAVIGATION, which is to connect the PORTS OF BOSTON, WISBEACH, and LYNN, and the EASTERN with the MIDLAND and WESTERN COUNTIES of the KINGDOM.

It is universally allowed that to our navy alone we are to look up for our political importance, our safety at home, and the preservation of our wide-extended and separated limbs of empire. Upon this bulwark depends (and may it ever remain) the commerce and prosperity of Britain.

Amongst the more than ordinary advantages which will be derived from the execution of these projected canals, will be the connection of three of

our most highly cultivated counties in the eastern part of the kingdom with the interior and manufacturing district. This projected line of navigation will pass through that part of the country which, from its nature and locality, is best adapted to the culture of hemp and flax, already produced there in a more considerable quantity than the rest of the kingdom taken together. In addition to this, by proper attention and encouragement, the above-mentioned district may be made capable of furnishing a sufficiency of requisites both for our naval upholdment and commercial purposes, without at all diminishing the production of grain. In this manner we may in fact become altogether independent of foreign supplies in these two essential articles, raised within our own island, with the contributory assistance of the sister-kingdom*, and our own plantations.

The policy of encouraging inland navigation in England *generally*, and the great public and private advantages to be derived from the *present*

* An Act of Parliament was passed last Sessions for reclaiming the bogs in Ireland, and bringing into cultivation vast tracts of land, for the purpose of raising hemp, flax, and corn, and for planting the wastes not otherwise susceptible of culture. About one million and a half acres, it is supposed, will be rendered useful, and improved by canals to be formed at the same time, for the purposes just mentioned. These bogs are at present of by no means a comparative value with the attainment of such desirable ends.

projected one *in particular*, will be more fully shewn in the subsequent sheets. It may not, however, be irrelevant here to observe, from what has been already said, that should such a combination of circumstances and events take place, as are not improbable in this wonderful era, whereby the free and open trade with the western hemisphere should be restricted in its exits and its entrances to the western side of this island,—in addition to the commodious and improved ports of Bristol, Liverpool, and others looking forward to similar advantages, will it not be the soundest policy to make the most easy navigable communications from the western to the eastern coast, by intersecting the interior, and thus connecting one port and district with another generally? These will be the best means of facilitating commercial enterprize, and conveying, at the cheapest rate, our own produce and manufactures from one quarter and port to another, either in the way of import or export.

To sum up the whole, exclusive of the almost incalculable advantages, public and private, to be derived by the facilities of inland navigation, in bringing of waste lands into a state of culture; the raising of grain, hemp, flax, and timber, in requisite quantities, respectively, the working of our mines of iron and coal, the produce of our coasts, in fish, oil, &c. the introduction of articles upon which the poor can exercise

their industry, and the consequent reduction of that national evil, the Poor-Rates; together with the manufactures which, can with ease and certainty be introduced,—will altogether give to the nation little less than the enormous sum of twenty-seven millions annually.*

Again I repeat the declaration of our vast and untold resources. Let measures of a salutary policy be put in practice, and, like the moral of the oriental merchant, it will appear that riches are only evanescent when mismanaged, or confidence misplaced. But we must have recourse to great and new expedients, commensurate with the present unparalleled and extraordinary state of things, or the odds ere long will be fearfully against us.

Yet, if many evils are corrected; a temperate and constitutional reform in our parliamentary representation be speedily effected:—If injured and oppressed Ireland be ameliorated in its condition, and its population be allowed to participate in those rights, to which it is entitled as an integral part of the united kingdom, from policy, as well as from justice: If a more perfect and faithful system for the speedier administration of justice in Scotland be established, the want of which has been the cause of the backwardness of foreign as well as domestic trade in that kingdom, and a disgrace to the

* See the statement specifically made, under the respective items in a former work upon European Commerce.—Page 611.

present civilized era: If we be truly congruous and united: If our navy be carefully kept up, and continue to execute by its valour those objects to which it shall be directed by wisdom, justice,* and policy:—If we husband and

* By the agency of our navy I would be understood to imply its fair and open competition with the rival powers of the continent, *market aperto*,—not the impolitic and unjust invasions, with which our administrators have adopted the unfair precept,

“Dolus an virtus quis in hoste requirat.”

The confiding and deluded Dutch have signally experienced this warfare of broken faith and subversion of maritime right. On two occasions, previous to the declaration of the late and present war, this entoilment of their shipping and merchandize, under the claim of crown droits, amounted to the sum of two millions sterling. The importance of this subject merits separate consideration, which in some future sheets shall be devoted to it.

I could here introduce the subject of unjust capture again, in the case of the Spanish frigates, to the amount of more than two millions two hundred thousand pounds. Under every circumstance, however, this was not so strong an infringement as the former. The Danish confiscations, under similar pretences, are trumpeting instances of maritime tyranny: the amount of property disposed of in their case is not perfectly ascertained, but with the rest it shall be an object of future embracement. The aggregate, however, of the Dutch, Spanish, and Danish, cannot form less than the immense sum of betwixt six and seven millions sterling, under the title of “droits claimed by his Majesty, either in right of his crown or in right of his office of Lord High Admiral,” for property detained in our ports and brought in from sea, PREVIOUS to any declaration of hostilities!!! How are these sums appropriated, beyond the million taken by Mr. Pitt. in 1796?

improve the management of our neglected finances, and bring forth our internal means, taking care to improve those opportunities which present themselves,—we may without panic weather out the lowering sky and gathering storm. Nothing, however, should be left to the fortuitous direction of chance. We should instantly prepare for the encounter of the worst evils which can possibly befall us; and having ballasted with caution, we may expect to sail secure and triumphant in the favouring gale.

Under the impression of such facts, such perplexities, and such possible retrievements, these humble suggestions are confidently obtruded upon the world.

ON THE
NATIONAL ADVANTAGES
OF
INLAND-NAVIGATION,
TO
AGRICULTURE, COMMERCE, &c. &c.

THE history of the earliest period to the present day, authentically confirms the resultive fact of national felicity keeping pace with national improvement; in no instance is this effect more strikingly portrayed than in that of INLAND-NAVIGATION.

Though unacquainted with the mechanical improvement of passing vessels, to and from one level to another, yet the early Egyptians, by means of the general plan, contrived to secure its general benefits. It may here indeed be observed, that the relative situation of countries, with respect to their domestic commerce at such a period,

required not the practice or the use of such improved mechanism.

But without farther trespassing on the chronicled efforts of this people, together with the Greeks and Romans, we shall advert to the ingenious labours of the Chinese, a nation which appears, from its nascent to its present hour, to have assiduously courted the favours of its inland-navigation. This portion of its policy has, in fact, from prescriptive antiquity of culture and presumptive remuneration of effects, been even held sacred. The Chinese, unlike the other falsely refined nations of the earth, philosophically cultivate the worship of systems, tending to an increase rather than a consumption of true political resources. No country in the world is so widely intersected by, or has, such extensive interior canal-communications, and consequently more internal traffic than this. No private property of any description, including even the gardens, pleasure-grounds, and plantations, of the emperor himself, is excepted from that rule of public accommodation. When the line of any canal, interferes with his most valued conveniences, the imperial patriot is the first to delve into the ground of his attachment, while he delivers the following sentiment, worthy the father of his country; “ *This*
“ *is to let those of inferior situations know, that*
“ *no private pleasure shall obstruct the public*
“ *good.*”

The very springs and rivulets which in any place, and in any manner, can contribute to the benefit of canals, are primarily devoted thereto. These are grand precepts for the imitation of the landed proprietary of these kingdoms, if not needful, to be adopted as a settled principle of the soundest policy by the legislature. But how often do the most laudable plans of public enterprise and benefit become regulated as to retardment or progress in this country, by the mischievous caprice of supposed damage to individual interests? These are not, however, (thank heaven,) feudal times; the unit is absorbed in the million, and practised experience teaches that the benefit of the whole is always repercussory to that of the individual. Such an obstacle to general prosperity might be obviated in the difficulties, delays, and expenses, of obtaining a *particular*, by ONE GENERAL LEGISLATIVE ACT.

When commerce was driven from the shores of the Mediterranean, where it first flourished in Europe, and fled from Portugal to take up its abode in Flanders, the spirit of forming canals and promoting internal navigation occasioned an increase both in its foreign commerce and domestic manufactures. These acquirements gave a stimulus to agriculture; and although, from political causes, commerce was subsequently expelled from Flanders, yet the canals remain a grand and lasting *memento* of its former splen-

dour and opulence, and now serve the beneficial purpose of facilitating the agriculture of that garden of Europe. *

Let us carry our sight now to a review of the European states in the present day, regarding their negligence of, or attention to this great system of aggrandizing policy. The sequel of the considerative tour will evince the effects of the different modes of action: those countries which adopt the plan, acknowledging the powers of circulation from the members to the heart, while the non-complying exhibit the mortification of torpidity, fatal to their importance and existence.

Russia, scarcely emerged from barbarism, at the time of Peter the Great, under his auspices possessed a very extensive line of inland-navigation; and it will scarcely be credited, that this period was seventy years anterior to any idea of canal-navigation in this country. It is wonderful to the inquisitive mind to behold the connexion and communication, by means of inland-navigation, in that great empire, from Archangel on the White Sea, from the frontiers of China, and even from the Caspian and Black Seas, together with that of

* This change in their application illustrates Hamlet's moral observation : —

“ Imperial Cæsar, dead and turned to clay,

“ Might stop a hole to keep the winds away.”

Azoph to Petersburg direct, and to the Baltic, by means of canals connecting the immense and numerous rivers.

Sweden, as early as the fifteenth century, attempted many inland-navigations, and, long before any efforts of a similar kind in this country, completed several. However, the design of making the Gotha navigable into the Wener-lake, by means of the lock, or sluices, at the cataracts of Trollhätta, cut out of a solid mountain of stone, and aided by a canal for some distance, running through a solid rock, only completed a few years ago, is one of the most magnificent and stupendous works of the kind in Europe, or perhaps in the world. Astonishment will, however, increase, upon a comparison with the erroneous system adopted, and too generally prevalent in England, when it is stated, as a fact, that the expense of its completion did not amount to more than one half of the estimate and sum subscribed, although the efforts of centuries, with the expense of several hundred thousand pounds, could not previously accomplish it! This new project, so creditably and honourably executed, was brought forward by my worthy friend Sir William Chalmers, a merchant at Gottenburgh, and governor of the East-India-Company of Sweden.

A plan had long been entertained, by Baron Von Platen, to avail of so great and unexpected a facility, by making a great inland-navigation

through the heart of Sweden, from the Lake Wener to the Wetter, and thence to the Boren and Roxen lakes into the Baltic Sea. Having published some tracts on the advantages of such a communication a few years before, I had the honour to pass some time with the Baron, at Stockholm, in the winter of 1808, when I was informed that Mr Telford was fixed upon to make the survey: the latter gentleman is the same who is engineer for the intended Stamford Junction Navigation Company. Even the government of Denmark, thirty years ago, participated in the general spirit, in Europe, for inland-navigation, wherever the natural facilities in her dominions would admit of its introduction.

The canal of Rendsbury, through Holstein and Sleswick, connects the Baltic with the German Ocean, and is one of the most important at present in Europe, for vessels navigating both those seas. Upwards of 4000 vessels of different descriptions annually passed and repassed this canal, before the unjust and impolitic attack of this country upon Copenhagen.

Prussia likewise had her share in forming and executing very extensive plans in this way. A few have been projected and executed in the upper parts of Germany, and one or two in Austria, but of no extent or importance. The cause of so important a defect in the German empire originates from the same narrow principle of preven-

tion as has been systematized in this country. The different principalities imagined that their dominions would be differently affected by such schemes; and the territorial clash *there* resembled that of the petty landed interests here; but most likely the present Emperor will obviate these feudal obstacles.

The best modern practical illustration which can be given of the derivative benefits accruing to every department of national policy, from the promotion of this "circulatory" blessing, will be found in the states of America. In that country, inland navigation has been rapidly advancing for some time, much beyond what is generally believed in Great Britain. And have we not instances enough of the deplorable and decayed condition of those states which have paid no attention to this project of general improvement?

After passing Turkey and the southern provinces of Germany, let us look to Portugal, where there are no canals, and where agriculture is utterly neglected. In this ill-destined part of the peninsula, there were, in the last century, four millions of inhabitants; the present population does not exceed two millions and a half. This decrease is evidently caused by the dearth of improving systems, beneficial laws, and greater benefits in their American settlements. Spain is little better: in a kingdom three times the extent of our own, there are only the canals of Arragon,

Castile, and Murcia, with another projected and begun, but not yet completed. They are only mentioned to point out the miserable defect, as not one of them is worthy of notice. This however is not their sole deficiency; for there is not, through the whole of that great peninsula, a single road which can contribute to the intercourse so necessary to the opulence of the deriving tenant and primitive landlord. Indeed, the best road system I am acquainted with, is that pursued by the Irish landholders, except in the case of Sweden, where this mode of internal conveyance has arrived at absolute perfection.

Can we then wonder at the decayed state of the commerce, manufactures, and agriculture, of the European peninsula. The Emperor of China's policy in ordering a gold-mine to be shut up in one of his districts, when he found its agriculture neglected in consequence, is applicable to Spain: he remarked that, "*mines of precious metals did not produce corn.*"

But to return from this digression to Flanders: the commerce of the world was driven thence to Holland; the marine encroachments of which, together with its intersection, by canals, have long been proverbial. The interior navigable facilities, of the latter country, as in the former, tended to the promotion and improvement of agriculture, the cheapness of conveyance, the extension of manufactures and increase of foreign commerce,

to a degree unprecedented in the history of past ages. But alas! the same fate has attended Holland. which befel Flanders; the commerce, the wealth, the power, of that devoted country are now fled, perhaps, for ever; and that industrious, oppressed, and enterprizing people are likely to become, with their territory, an integral part of colossal France. The French Emperor, no doubt, has in view the retention of all the great commercial advantages formerly possessed by Holland.

The forming of inland navigation throughout France is carried on at the public expense, and not, as in this country, by a combination of individual enterprize and capital. Antwerp, the ancient seat of commerce on the river Scheldt, will rise again, most probably, on the ruins of the Texel, Amsterdam, and Holland in general. To the credit of the French government it may be said, that no state in Europe at present pays so much attention to the improvement and extension of its *inland navigation*. In addition to many natural advantages, aided by artificial works, France had formerly immense interior navigable communications; of which the principal was the canal of Languedoc, uniting the Mediterranean Sea and the Bay of Biscay. The *Exposé*, made by the minister of the interior, on the 13th of December last, is worthy of peculiar notice, as far as it regards these matters, at present; and on

that account I trust I shall be pardoned for here submitting the following extract.*

“ Prisoners of war from different nations, sent by victory, have finished the canal of St Quentin. Two leagues of an imposing subterraneous passage open a communication between the rivers and seas of the south. Seven thousand workmen have not ceased to labour on the canal of the north; and nearly eight leagues of the new way opened to the Rhine and the Meuse, to bring their conjoined waters to Antwerp, without quitting, for a moment, the soil of France, have been executed. This canal, so important to commerce, will not be a less benefit to agriculture. Lands equal in superficies to several departments will be peopled and fertilized. The peaceable conquest of agriculture will soon augment both our riches and our prosperity. Two millions have been usefully expended, in 1809, on the canal of Napoleon, which will unite the Rhone to the Rhine. Marseilles, Cologne, and Antwerp, will soon be bathed by the same waters. This ca-

* The commencement of which is a subject worthy of our consideration and even humanity: the immurement of so much useful labour creates disease and vice, whilst moderate exertion and the same expense would produce every public and rural advantage. Far be it from me to propose this as a system, I only speak of it as an alternative depending on the will of the individuals, and regulated by the sanction of the respective capturing powers. A contract to this effect might somehow balance the horrors of desolating war.

nal will be made to communicate with the Seine by that of Burgundy, the works of which, abandoned by the old government, have received anew the greatest impulse. Already the navigation is complete from Dole to Dijon; they are at present working between Dijon and the bridge of Pany, between the Seine and St. Florentin: several important locks upon the Seine, the Aube, and the Somme, have been finished in 1809. Every where the plans which tended to improve former navigations, to extend them, or to create new ones, have been undertaken, or continued with activity. The maritime works have made the greatest progress; those of Cherburgh already present to the astonished eye an immense port, hollowed out of the rock. The sluice of Havre is nearly finished; it will secure, from the middle of the next campaign, the constant entrance of vessels into the channel. At Dunkirk, an octagon sluice, which will drain valuable lands, and secure an easy navigation, has been finished this year. The basin at Antwerp is excavated in all the interior part, and the sluice of the sea is raised above its foundation: the grand drainings of Bourgaia, of Cotenlin, of Rochefort, have already changed sterile marshes into fertile lands, and their results drawn upon the government the blessings of the people, astonished at not having suffered any of the evils, however transitory, which they had been made to dread." If then these

gigantic strides to internal improvement do not excite our admiration, they are sufficient at least to draw forth our imitation.

The future views of France are obvious. The general commerce of the world has at present taken its flight from Holland and the Continent to England, where, from its peculiar situation, it will remain so long as the island shall preserve its naval independence; and, as this country must, from the nature of things at present, and probably to come, be the grand *dépôt* of commerce to the entire world, it behoves government to give every possible and practicable encouragement in its power, not only to receive but to induce the interested exertions of individuals, in promoting inland navigation, from one end of the kingdom to the other, and from its different points.

It must be owned, here, that government has certainly given some encouragement to the individual spirit, now so general, by devoting upwards of 600,000*l.* of the public money to the Caledonian canal, in the north-west of Scotland, running from Inverness to Fort William. The object was the improvement of that part of the empire, by preventing emigration, and ostensibly shortening and rendering secure the navigation, instead of passing north about. In all these points its public or private utility (excepting so far as the fishing will be benefited) becomes question-

able. Half the sum granted in aid of the Clyde and Forth canal would have produced every possible advantage to England, to Scotland, and particularly the northern ports of Ireland. The Shorncliffe canal, in which so much public money has been expended, may be considered purely in a military point of view, contributing but little to the stock of general utility.

The parts of England most neglected and destitute of inland navigable communication lie between Newcastle in Northumberland, across the isthmus to the Irish sea. There are in that district greater subterranean resources of every description than in any other part of the kingdom, but the surface requires improvement more than elsewhere.

The three counties of Norfolk, Suffolk, and Essex, have not any inland navigable communication with the populous manufacturing or midland parts of the island. These three by much the finest agricultural counties of the kingdom find a market only by marine navigation, and that on account of such conveyance being the most reasonable in expense.

The proposed navigable communication by means of the rivers Ouse, Nen, and Welland, being joined by canals, will serve to convey the produce of the forementioned counties to the midland populous and manufacturing districts, where the prices of grain are always much higher, but where coals, &c. from the cheapness of conveyance, will not

only be more reasonable, but a reciprocal exchange in the produce of each district will be much in favour of both.

Surrounded as we are by, or rather opposed on our eastern and southern coast, from the Orkneys to the South Foreland and thence to the land's end, to the coasts of the enemy, their privateers will be incessantly stealing out to annoy and harass our coasting and foreign trade, in spite of the utmost vigilance of our navy.

It has been a very unfortunate circumstance for this kingdom, and nothing tended more to keep back its resources and retard its earlier improvement, prosperity, and wealth, than the prejudices of the people against and their ignorance till lately of the importance of inland-navigation. It was not till the spirited and noble example set by the late Duke of Bridgewater, in 1760, that we saw the prodigious advantages arising from that grand enterprise of an individual. At a period of darkness, as it were, our ignorance was exposed and our prejudices were shaken.

From the close of the American war to the beginning of the French Revolution, the great increase in our manufactures, the extension of our foreign commerce, and the consequent pouring in of wealth to this kingdom, outstripped a corresponding improvement and extension in our agriculture, although it gave a spirit for inland-navigation in a surprising degree. In so much has the latter advanced, that, within the last twenty years, it

is astonishing what intersections of the island it has occasioned. This has been owing, in a great degree, to the execution of several projected canals becoming as profitable to individual subscribers as they were contributory to national advantage. Let a bill be framed, which will give enablement to the project, by removing the possibility of *bar* lying with individuals, but in such a manner, that the party to be benefited shall pay an equivalent consideration for the waiver of that bar. That the projectors have essentially benefited by the adoption of this scheme, it is only necessary to state that the present extent of canal intersection comprises a superficies of about 3400 miles, the expenditure upon which has been to the amount of about 20,000,000*l.*

The canal-system, however, is not the only one teeming with the benefits of an improved inland intercourse. RAIL-ROADS, as they are termed, have in many instances exhibited a rivalry in advantage, and I doubt not but in many instances they will even be preferred. The great alleviation of animal labour which they afford renders them of primary importance in a country, where agriculture stands so much in need of what can be spared in that way. Many of these, on a small scale, exist at present in England, falling in upon the different canals; but the greatest work of the kind in contemplation is to be met with in Scotland, in the

direct duration of 100 miles, from Glasgow to Berwick.

Let us not, however, recede, in cases of great naval importance, from the example which is set up for our emulation by the French ruler, but let us turn our serious attention to the improvement of our marine situation. In this department, the leading feature will be the amelioration of the dock system; in many instances it has been entered upon, and either arrived at or is tending to completion. Of the latter description are Hull, Bristol, Leith, extensions at Liverpool; in London, the East and West India and London Docks, &c. &c.; and, on the Surry side, several docks of less importance but great convenience. In this attentive observation of our general improvement, we shall convince the enemy that our resources are not debilitated, and that we possess them to an exhaustion of their own emulative arts.

VIEW OF THE PLAN
•
TO
CONNECT THE EASTERN
•
WITH THE
•
MIDLAND AND WESTERN COUNTIES
•
OF THE
KINGDOM.

I HAVE hitherto delineated what seemed to me to be the physical resources of the country, and I trust that from the general view I shall not be deemed a mere visionary or theorist. At the same time I beg leave most sincerely to deprecate the entertainment of opinions, which may impute an interested motive to my plans. Conceiving that my general efforts would receive a greater facility of application were I incorporated with the parliamentary representation of the country, my ambition, which I trust will be considered laudable, induced me to canvass the borough of Stamford, to the improvement of

which my present project more particularly applies, as it does to the country in general. Constituted as the elective franchise is in that borough, I had consequently to contest the matter : to the general course of powerful and influencing opposition, I assume the merit of making no corrupt resistance. To sanctioned antiquity of interest I opposed the promising infancy of a bettering system ; and the usual expenditure attendant on a contested election I turned into the channel of originating and extending that beneficial project which I have had the honour to submit. Actions are more universally considered to be principal features in the comparative conduct of men than mere protestations. To these I refer my appeal with a consciousness of favourable testimony from the ordeal. That my conduct has been independent, steady, and persevering, the electors of Stamford will not doubt ; and, when honoured with the investiture of their sacred rights, they may rest assured of my vigilant attention to preserve and promote them. Were greater encouragement given to the independent man who embarks upon public life with the freightage of such motives as mine, the Parliament of Great Britain would reform itself in limine.

Actuated by the principle of behovement in either candidate or representative, to further the particular interests of that place upon which his views rest, or which expects from him a punctual exertion in its behalf, I became inquisitively devoted to the

discovery of the means whereby such an object could be attained.

The town of Stamford in particular, and the country in general, became the points whereon I conceived it my duty to expend the results of benefit arising out of my investigation. What these are I have detailed, but it now remains for me to expound the means which I took towards their attainment. The Borough of Stamford struck me as possessing natural advantages, enabling it to rise above the difficulties which had hitherto evidently been inherent in the place, decaying as it was, oppressed, and destitute of manufactures or trade, and completely inland.

By making it accessible to marine contact, I was of opinion that an advantageous distribution of trade would be the consequence, and, indeed, afford benefit to the surrounding counties and the country in general. I then balanced, in my mind, the different means by which the situation of this particular place might derive from and confer advantages on those of its vicinage. Knowing as I did the great agricultural produce of Norfolk, Suffolk, &c. I was persuaded that a traffic, reciprocally beneficial, might take place between the Eastern and the Midland and Western counties, through the interchange of agricultural in the one, for raw and manufactured produce in the others. To this circle of intercourse, Stamford might become the focus, affording facilities of medium, from its natural situation.

This being my hypothesis, I determined to realize it, upon the most certain data of information, to the greatest acquirable extent. In pursuance of these views, I set out from Stamford with the design of ascertaining the nature and extent of the trade on the Trent, proceeding by Newark, and thence Eastward to Hull. My next step was to become acquainted with the proportion of trade carried on by the Aire and Calder by way of Wakefield and Leeds, and the proportion of trade in that manufacturing district. I traced it hence to Liverpool, Manchester and through Lancashire, Cheshire, &c., collecting the proportion, which rested at Stone and the Potteries in Staffordshire, by the grand Trunk and Mersey Canal. My next branch of route was by Wolverhampton, Birmingham, Coventry, and Warwick, and all the great manufacturing towns and principal navigations of its neighbourhood. After this I proceeded through the counties of Northampton, Huntingdon, Cambridge, and Lincoln, along the line from Stamford to Deeping, Spalding, Boston, Wisbeach, and Lynn, thence through the counties of Norfolk, Suffolk, and Essex, &c. This tour of projection for the public good, I have performed, regardless of attendant expenses, valuable time, or fatigue, wholly wrapt up in devotion to effect this grand object. The credit which is to be attached to my general account of the project will be best evinced by the subsequent details, confirmatory, I trust, of the zeal which I have mani-

tested for the maturity of this great undertaking. I have had no view to private profit or public remuneration, farther than the confidence and support of the independent electors of Stamford, whose future prosperity I shall conceive ensured by the introduction of the most beneficial national manufactures into their town and neighbourhood.

The same eye which traverses the space allotted to the execution of this project will immediately discern the incidental superiority of advantage arising from its local and relative bearings. Both sides of the island, in the direction of east and west, and *vice versa*, must derive advantage from that connection, which gives to the commodities of either a reciprocity of benefit, by facilitated conveyance to markets of consumption and interchange, and to and from the ports. A similar bonus will be held out to the agriculturist for his tillage and produce, as to the mechanic for his manufactures. Inland commerce will of consequence be better recognized, and we shall soon become acquainted with a novel mercantile point,—namely, *the balance of internal trade*, regulating the growth, produce, manufacture, encouragement, and sale, of the different native commodities within the empire.

Before we enter into the details, it may be proper to give an outline of the intended STAMFORD JUNCTION. This project is totally distinct from an inferior and trivial collateral branch of naviga-

ble connection, to be undertaken between Stamford and Market Harborough, a distance of only $25\frac{1}{2}$ miles. Now the Stamford Junction, together with the advantages so fully comprised in the title of its object, embraces a running extent of many hundred miles. It will be effected, by the shortest and most practicable connections, by means of canals, formed between Boston and Stamford; by the junction of the rivers Nen and Welland to unite Lynn and Wisbeach to Stamford; and to Shardlow, by a canal from Oakham to Stamford. For Mr Telford's report on the eligibility of lines, the appendix may be consulted. I will begin, then, with the leading towns interested vicinally by the communication, and first with

Boston, which from its locality, will no doubt be materially benefited in the extension of both its domestic and foreign trade. The latter it will participate in with Hull, and the manufacturing districts, should a more perfect access by navigation be made up to Stamford, and from thence to Oakham. The other branch will more particularly be benefited by joining the Nen and the Welland, should the former river be rendered more perfect in its navigation up to the Grand Junction. This is apparent when we consider the consequent approximation to Birmingham, and the midland populous manufacturing district. Hence it appears also likely, that, in time, not only the articles of export, but of import like-

wise, will pass by this new canal in preference to the one along the Trent by Hull; at all events, it is worthy of meeting consideration from the merchants of Boston and Birmingham.

The two channels in question are opening prospects to the port of Boston, which already has an excellent navigable communication with the river Trent at Torksey, a distance of 52 miles. The tonnage thereon has been estimated at 40,000 tons, exclusive of 10,000 tons of coals, chiefly from Yorkshire.

The projected navigation from Boston to Stamford is proposed to avail of the 40 foot drain for 20 miles practicably navigable, and so, by the line pointed out by Mr Telford, to Stamford, which will, in the whole line from Boston to that town, make a distance of about 40 miles. The lock-dues will no doubt be reasonable, as the expense of excavating cannot be great, from the favourable nature of the soil.

Spalding may too participate in the general advantage to be derived by these junctions. The Adventurers Company, as it is termed, composed entirely of land-owners, possessing above 250 acres of land each, in a certain compass, and incorporated by an act of parliament, are bound to cleanse and keep in a perfect navigable state "at all seasons," the river Welland from Market Deeping to Spalding, and thence to the reservoir, 5 miles below Spalding: for this distance there is no tonnage.

There is also another restraint upon the said company, for the same useful purpose, to be exercised by the commissioners of drainage in those parts.

It is a matter of consideration, if the navigation of the Welland from Deeping to the Wash, when put in a perfect state, can be rendered equally commodious to the other, even if the Scalp should be avoided. With this view, an act was obtained, in 1792, to make a cut from the river Welland, $7\frac{1}{2}$ miles from Gosberton sluice, to fall into the Sea sluice at Wyberton roads: the estimated cost was £49,351 12. but not an inch of this line has yet been excavated. It must be observed, as matter of reproach, that the present navigation of the Welland, from Boston Scalp, by Spalding, to Deeping, is very much neglected. The cost of coals from Boston Scalp to Stamford only, in lighterage-tolls, &c. amounts to 12s. per chaldron, although there are only 8 miles of lockage from Deeping to Stamford.

The next desirable advantages arise out of the union of the rivers Welland and Nen, giving a direct communication on the latter river to the port of Wisbeach, and from thence to the canal through Outwell to Salter's-load sluice on the river Ouse. In this manner not only an approach to the port of Lynn is obtained, but a fall into the river Ouse, so as to advance nearer the navigable branches from that river to Thetford in Norfolk, Bury St. Edmunds

in Suffolk, the city of Cambridge, Biggleswade, and upon the Ouse itself to Bedford.

These branches, in a reference to the map it may be seen, could most easily be extended in three fine agricultural counties. Through them also the ports of Yarmouth and even Harwich may be united; and from the Cam a junction could be formed with the navigable river Lea to London, in its most bustling commercial part.

Let us now revert to Stamford, from which place is to be united the Welland with the Oakham canal, by way of Melton Mowbray and Loughborough, to Shardlow, or rather with the Trent, at the mouth of the river Soar, and opposite the Erewash canal. It is this part, or rather Shardlow, which will become the extreme point, at which there will be a mutual exchange of the produce of the eastern counties up to the collieries, the potteries, and the manufacturing districts in the line through Staffordshire, to Lancashire and Cheshire. The produce of these manufactures in return, on the same line, and coals from the districts of the Cromford, Erewash, and other canals, for the latter counties and ports all adjoining to the mouth of the Soar near Shardlow, will come at a considerably more reduced price than hitherto. The distance from Stamford to Shardlow will be $65\frac{1}{2}$ miles, when the junction is completed by the new line from Stamford to Oakham. The following are the respective distances of the several joints of connection, and an-

nexed are the prices of tonnage on each separate part of the line :

	Miles	Tonnage for Coals.
Stamford to Oakham	15	suppose 3s 0d
Oakham to Melton	15	— 3 0
Melton to the Leicester Junction . .	14½	— 2 6
Junction with the Leicester to Loughborough	9	— 0 7
Loughborough along the Soar to the Trent	9	— 1 6
Thence to Shardlow	5	— 0 2
	<hr/>	<hr/>
	Miles 65½	10 9
	<hr/>	<hr/>

The whole tonnage on the above line, if that betwixt Stamford and Oakham shall be supposed to be fixed at 3s per ton, will only be, from the Cromford and Erewash canals upon the Trent to the town of Stamford, 10s 9d per ton for coals; merchandise in general will pay somewhat higher.

The Melton-Mowbray navigation has divided 7½ per cent. already, exclusive of the income-tax and a reserved balance in hand. Upon the Oakham navigation (from Melton,) notwithstanding all its disadvantages, absurd restrictions in the act, and other impediments, which it will be the interest of the company to remedy, although Oakham is at an extreme point of that line of navigation, yet the amount arising from the tonnage was in

1807	£1837° 7 3
1808	1824 7 3
1809	2013 8 3

By this compendious description, without entering into accurate minutiae, will be discovered the very extensive inland navigable communications arising from the short junctions of canals to unite rivers as already noticed and evidently traceable upon the map.

It is of importance to make one very interesting observation, namely, that STAMFORD will become the source through which this mutual exchange of products and manufactures will pass from east to west. Boats of a larger size, adapted to river-navigation, and perfectly safe, will also be capable of passing along the present canals and the projected junctions entirely from Shardlow, through Stamford, to Boston, Wisbeach, Lynn, and I believe the river Ouse, without the inconveniences of shifting and reloading: they will consequently avoid the losses ensuing from pillage and damage. From Shardlow, other but less boats will convey the articles, right along the grand trunk to Manchester and Liverpool: the rates of carriage on goods from thence to Shardlow stand as under:

Hemp, Sugar, Groceries, &c. &c. &c.	40s. per ton
Tea, Tobacco, Indigo, &c.	50
Wool	44
Grain, Flour, Malt, &c.	23

What has preceded so far relates to the general view and line of communication by the intended

STAMFORD JUNCTION NAVIGATION, for the forementioned vicinal connections of ports and counties, and the embracement of a communicable line of, in fact, *thousands* of miles, insomuch as it will join itself with almost all the navigations in the kingdom.

Friendly as I am to the system of inland navigation, I cannot here omit to state, and with regret, out of my usual course of panegyric, that, soon after I had the honour to offer my suggestions to the public, for the Stamford junction, a limited plan was directly brought forward, in the name of the corporation of Stamford, to form a canal from that place up to Harborough only, by which route it is an extended distance of 10½ miles beyond the line by Oakham. But that project rested; no plan in aid was brought forward to the eastward, to make a thorough connection from the interior to the sea-port of Boston, either by a navigable cut, or to improve the river-navigation of the Welland from Market Deeping to Spalding, nor that of the old canal from Stamford to Market Deeping.

The cause of this *limited* effort on the part of the corporation might arise from their apprehension of the *questionable right*, (to which they had *prematurely laid claim*,) being disturbed by the progress of the navigation. In the case of an individual, the matter would explain itself without comment; but in a matter concerning a *body corporate*, to prevent any

farther remarks on my part, I have given an extract in the appendix from Harrod's History of Stamford upon the subject.

The project of the corporation is, simply to make a navigation from Harborough to Stamford only; it is a distance of about $25\frac{1}{2}$ miles. (In its execution that navigation will be facilitated partially by the line of the Stamford junction, running a short distance in that line towards Oakham.) But, as the traffic of the Harborough line will, I much fear, be limited, and a circuitous route is introduced from Shardlow of $10\frac{1}{2}$ miles farther by Harborough than by Oakham to Stamford much is to be apprehended for the property, contiguous to which the projected line will pass. The neighbouring landed interest only could be advanced, if the line should be executed from Stamford to Harborough and thence as contemplated to the grand junction, at Long Buckby. The reason to be assigned for this is, that the river Nen, now navigable and about to be considerably improved, will run parallel with the projected Harborough line, into the Grand Junction, and, within half a score miles of each other, fall therein, not far distant from the entrance into the Warwick, Birmingham, and other, canals, in that populous manufacturing and commercial district.

The river Nen is navigable, and to be improved. It will answer the purpose of the Harborough line, from Stamford to the Grand Junction, which will cost at the least it is supposed from 3 to


£400,000 capital, to effect it to the Grand Junction. The interest of this sum could not be paid by the traffic thereon, at quadruple the rate now paid from Wisbeach to Northampton on the Nen. The lockage at present is at 6s 4d per ton, in the whole line, and 1s per ton on the railroad from Northampton to the Grand Junction. From thence to Northampton a navigable cut in lieu is now about being effected, when, and by which line, vessels will pass from Stamford, Boston, Lynn, and Wisbeach, up the Nen into the Grand Junction and all its various and wide ramifications.

My obvious and fixed intent is, to complete the grand and extensive intercourse by means of the *Stamford* junction. To compass this undertaking measures are now in progress, and it is presumed that the work will compete with that of any other navigation in the kingdom.

As the navigation of the Nen is an interesting subject of itself, I beg to refer the reader for it to the Appendix.

ON
AGRICULTURAL PRODUCTS,
GRAIN, &c.

WITH RETROSPECTIVE
CALCULATIONS OF RATE, &c. &c.



THE lessons of necessity are generally the most impressive in the whole volume of human life, and individual precaution is observably created in the most critical cases of individual experienced inquiry; but how happens it, that, on a subject of such material because comprehensive interest as provision for vital sustenance, the antique proverb of apprehension from calamity shall be so much disregarded?

It is a matter of the most serious regret, that we have not profited more by the frequent and calamitous want which we have experienced, previous to and still more about nine years ago, in the scarcity and high price of grain. From the revolution in 1668 till the year 1765 we were exporters of corn, to the amount of from 6 to 700,000*l.* sterling. From the latter period till

1771, there was an interval of cessation from export. Thenceforward, till 1793, we commenced the importation to a great extent; and, from 1793 till 1804, our importation of foreign grain did not amount to less than 33 millions sterling. We had not put the broad seal however upon our improvidence and prodigality, by the tender of encouragement to foreign agriculturists (now our enemies), until we left a deep impression of our extravagance in the immense bounties on importation held out to them. These bonuses amounted, for their respective years, as follow, viz. in

1800	£ 44,836	13	0
1801	1,420,355	1	1
1802	715,323	16	4
1803	43,977	9	10

So great were our provisionary distresses in the year 1801, that our importation of all sorts of grain was 2,027,515 quarters, 1,125,704 cwt of meal, and 310,608 cwt of rice; still we were deficient in bread, and grain continued at an enormously high price. The average rate of wheat, throughout the kingdom, for that year, was 118s. 3d. per quarter.

Were the tythe of the above mentioned sums given on temporary loan to the native agricultural capitalist, under the encouragement of a general-inclosure act, modified to the respective tenures, by which property is held in this country, our commonage-lands would assume a face of culture, smiling with the blessings of Ceres, the produce of our own soil, and not

purchased by foreign *indulgences*. The resultive employment, arising from such a produce, would tend, in no trifling measure, to the increase of population.

Exporters of grain we cannot be, as must be evident from the deleterious system we have hitherto shewn, so contrary to true national policy. In those quarters from which grain is sent down to the Baltic ports, both the landlord and tenant consider themselves well paid if they get an equivalent to about 35s. per quarter for their wheat. What a difference between this and the average-prices of grain in England and Wales, as they were betwixt the years 1807 and 1808!

	s.	d.	
Wheat . . .	67	11	} per Winchester quarter.
Barley . . .	39	0	
Oats	29	11	
Beans . . .	55	2	
Pease	72	10	

Here a remark might be made deserving attention, from the landed interest of the country and the legislature, viz. that the Customs of the year, ending the 5th January, 1809, amounted to 9,553,000*l.* and the Excise to 20,023,000*l.* in Great Britain: barley contributes, in malt, spirits, and beer, to nearly half the amount of this sum. It is, however, a matter of no wonder, when we reflect on the heavy duty that is levied both on malt and spirits; of the former alone, the quantity on which

the Excise duty was paid in the three succeeding years was as follows, viz.

				of which was exported only
	<i>qrs</i>	<i>bush.</i>	<i>qrs</i>	<i>bush.</i>
1805	2,921,197	7	12,747	
1806	2,861,651	5½	6,902	
1807	3,446,177	3	6,805	3

There remain several very important regulations to be adopted in our agricultural system and corn trade, considered both under the heads of sustenance and revenue. We certainly have made some advances in this way, by allowing a free transport of grain from one point of the kingdom to another, instead of keeping in force the old and absurd law, of restraining the importation in one district, and permitting the exportation from another.

Notwithstanding all the attention we may bestow, and all the encouragement we can give to agriculture at home, we ought to improve our insular situation as much as possible, and attempt to make a general depôt of this article, so essential in a political and commercial point of view. In the midst of all our improvements (even though they be carried to the highest state) still a year of dearth or famine may overtake us; and, in a state of politics similar to the present, cut off as we are or as we may be, by the enemy from receiving supplies either from continental Europe or America, our very existence as a nation might be endangered. If therefore general depôts for grain were formed in our chief ports, and

the inland parts of the kingdom, as was intended in the time of James I. we might then have our island stocked* (and with foreign grain too) without a single bushel being consumed at home, except in a year of scarcity and absolute necessity. Even in this case, we should be restrained as much as possible from interfering with our domestic produce. This subject, however, cannot meet its merited discussion here.

With the greatest self-satisfaction, and gratulation to the country, I am happy to state that the importation of grain for the last four years has been much reduced, though it yet remains by much too considerable.

The following is the quantity of Foreign Grain imported into GREAT BRITAIN in the following years, in quarters:—

	Wheat.	Barley.	Oats.	Pease.	Beans.
1804	365,009	9,071	500,151	18,569	8,868
5	818,147	27,634	274,156	8,530	8,727
6	126,911	2,058	183,198	158	1,045
7	182,558	2,963	425,904	4,520	9,996

Of the above Foreign into London, only

1808	3,047	877	31,002	8,887	5,984
1809	163,422	8,258	278,860	26,291	22,020

Into London only, in the following Years, the Domestic Growth of Great Britain solely.

1808	305,675	189,089	689,187	36,567	77,726
1809	229,123	224,984	632,129	30,900	78,333

I have sketched the foregoing remarks upon the article of grain, as being not only of general importance to the nation at large, but more particularly so as relative to the eastern fertile and agricultural counties. By the medium of the intended Stamford Junction, grain may be conveyed to the interior, or manufacturing, district, which will not only afford a ready market to the growers, but come to the consumers at a cheaper rate, besides contributing largely towards the revenue of the Canal Proprietors.

A statement of the quantity of grain received in the London Market from the three counties of Norfolk, Suffolk, and Essex, will follow; and the quantity of grain shipped from the ports of Boston, Wisbeach, and Lynn, to all places; and the quantity likewise received in the London Markets from thence. I have also given the average prices of grain from Mr. Catherwood's returns of the eastern counties, and those through which the Canal and its line, up to Liverpool and Manchester, will pass. To shew how the grain shipped from the eastern counties can be interfered with by that which may be imported, on the western side, by the port of Liverpool, I shall subjoin a statement of the importation of that article into Liverpool, both from abroad and coastwise, as well as from Ireland.

Account of the Quantity of Corn, Flour, &c. imported into the Port of Liverpool only, distinguishing that from Foreign Parts from that Coastwise, in the undermentioned Years.

FOREIGN.

	Wheat Flour.	Rye.	Barley.	Beans.	Pease.	Oats.	Oatmeal.
	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Bolls.
1804	23,060	96	304	8956	3038	122,895	20,451
1805	45,482	30	7091	5667	2743	107,702	7,566
1806	186,403	330	2389	3328	1358	216,942	20,826
1807	222,355	85	6130	6792	1366	193,369	3,996
11th Oct. } 1808	45,715	447	16,697	6228	441	280,635	5,247
to 10 Oct.							19 tons 2 cwt
11th Oct. } 1809	191,477	404	8743	2704	516	319,128	2,593 and
to 10 Oct.							292 tons 6 cwt

COASTWISE.

	Wheat Flour.	Rye.	Barley.	Beans.	Pease.	Oats.	Oatmeal.
	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Bolls.
1805	22,304	—	47,180	8,098	—	58,171	—
1806	23,898	—	50,293	29,093	—	31,627	—
1807	19,939	—	42,508	5,241	—	33,663	—
10th Oct. } 1808	66,039	516	16,611	3,187	137	38,730	2522
807 to 10	7320						
10th Oct. } 1809	3351	302	17,230	5,961	663	50,577	7799
8 to 10 Oct.							

Ireland is considerably improving in agriculture ; but the superabundant produce of her soil will not, I fear, for a series of time, preclude foreign importation into this country. Of course the agricultural interests will be little affected by the improvement of the sister country. Oats are the leading article in grain shipped from Ireland to Liverpool ; but, being a commodity of great bulk and little value comparatively, little, if any, will go from the eastern to the western side of the island.

The great population of the counties of Lancashire and Cheshire is the reason that they do not produce enough for a few months consumption within themselves. Their wants must therefore be supplied from the interior of England, or from Ireland ; and, in failure of the latter, by foreign importations in the articles of wheat, barley, and beans. Though the importations into Liverpool are very considerable, yet it is obvious that there is nothing to spare beyond its own immediate vicinage, from the high prices at which wheat is continually sold both in Staffordshire and certain other contiguous districts, to which an easy approach will be had by the intended navigable communication.

It is rational to presume, however, that, in the event of deficient supplies from Ireland, or, of the average prices so settling as not to allow importations into Liverpool, considerable supplies of wheat, barley, and beans, will be transported

thither from the eastern counties, by means of the Stamford Junction. There is no reason to apprehend that Ireland will, upon the whole, prove at all detrimental to the medium of conveyance just stated.

To give the reader data upon which to ground his opinion too, I have annexed an account of the aggregate corn-trade of Ireland; the quantity thereof imported into England generally, and that part which was imported into Liverpool in particular, for a short time.

I have thus given a general view of the domestic and foreign corn-trade at Liverpool, and that of the interior, which may be affected by the western parts.

I shall now shew the constant demand which there must be for grain, through the medium of the Stamford Junction, from the eastern districts. Agreeably to my first ideas on the subject, I intend to confirm the possibility of a considerable corn-trade being conducted through this intended navigation. For this purpose I have extracted the average prices of grain, for each quarter in each year, for the last four years past, in the counties hereafter mentioned, which will be benefited by the said navigation. London is only introduced as a regulator to the markets of the kingdom in general; but Stamford distinctly claims attention, as the focus where the mercantile class may derive advantages, by entering into this new and profitable branch of the corn-trade, to the right and to the left. That it is profitable will be seen from the circumstance of corn being constantly cheaper in Norfolk and Suffolk than to the west. The only deduction on the profit to be thus obtained, will consist in freight and tonnage only.

The Average Prices of GRAIN, in London, Stamford, and counties, as under, at the following periods.

		Wheat.		Barley.		Beans.		Peas.		Oats.	
		s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
1806.											
4 Jan.	—London	69	8	32	11	36	0	46	6	29	8
	Suffolk	63	10	29	11	30	6	36	7	28	2
	Norfolk	62	9	27	11	30	3	33	11	24	8
	Stamford	69	0	32	0	47	6	—	—	24	11
	Leicester	69	6	37	6	44	2	52	2	24	6
	Derby	80	0	40	4	49	8	47	0	29	4
	Stafford	80	11	42	7	50	5	—	—	27	8
	Lancaster	78	1	39	10	48	8	44	0	29	4
15 Feb.	—London	69	6	32	0	37	4	35	10	25	9
	Suffolk	65	6	29	6	29	7	32	8	25	5
	Norfolk	61	9	26	9	29	9	30	0	22	7
	Stamford	69	11	31	6	46	6	—	—	22	7
	Leicester	72	2	36	2	42	9	51	8	23	7
	Derby	77	6	38	10	47	4	45	6	28	0
	Stafford	81	8	40	6	51	7	—	—	27	2
	Lancaster	70	7	43	4	50	8	54	0	27	1
15 May	—London	85	6	34	10	37	8	40	5	27	9
	Suffolk	82	2	33	1	34	1	39	9	30	8
	Norfolk	79	3	31	7	32	7	37	0	25	9
	Stamford	82	0	35	4	34	6	—	—	25	9
	Leicester	86	1	36	0	39	6	39	6	26	0
	Derby	92	2	44	3	47	8	46	6	29	6
	Stafford	90	1	42	8	49	5	—	—	29	9
	Lancaster	80	7	39	5	41	9	47	0	29	2
15 Aug.	—London	78	9	36	3	40	11	49	0	29	9
	Suffolk	73	2	37	2	38	10	46	9	33	6
	Norfolk	69	2	33	9	37	6	37	3	24	0
	Stamford	81	5	38	0	43	0	—	—	24	9
	Leicester	80	9	35	8	—	—	45	2	28	5
	Derby	90	0	—	—	50	0	48	0	30	8
	Stafford	84	11	42	7	50	5	—	—	32	7
	Lancaster	83	0	39	1	49	4	—	—	30	7
15 Nov.	—London	80	0	44	0	44	9	75	6	28	2
	Suffolk	75	3	42	1	37	4	58	10	37	0
	Norfolk	69	5	40	2	36	6	57	0	25	4
	Stamford	74	3	37	10	44	11	—	—	23	7
	Leicester	74	5	40	11	45	2	45	2	26	8
	Derby	81	4	47	4	49	8	47	9	28	11
	Stafford	75	11	46	9	54	9	—	—	30	6
	Lancaster	72	3	45	2	49	1	—	—	27	2

The Average Prices of GRAIN, in London, Stamford, and counties as under, at the following periods.

		Wheat.		Barley.		Beans.		Peas.		Oats.	
		s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
1807.											
3 Jan.	—London	78	8	42	11	45	0	67	0	31	8
	Suffolk	77	0	38	2	36	6	51	11	36	6
	Norfolk	71	4	37	2	35	0	49	5	24	6
	Stamford	71	7	38	3	43	1	—	—	23	8
	Leicester	71	8	40	11	45	8	53	7	26	1
	Derby	75	4	45	0	48	8	44	9	27	9
	Stafford	76	3	44	7	52	11	—	—	30	8
	Lancaster	72	6	44	6	47	11	—	—	28	6
15 Feb.	—London	76	1	38	5	39	4	69	9	28	6
	Suffolk	75	6	35	6	34	9	46	5	34	8
	Norfolk	70	4	33	11	35	9	50	0	25	4
	Stamford	74	5	34	3	40	8	—	—	21	11
	Leicester	70	10	36	2	40	10	52	8	24	2
	Derby	76	0	42	6	49	0	44	6	26	6
	Stafford	75	1	42	0	51	2	—	—	29	0
	Lancaster	73	3	41	7	49	4	—	—	27	10
15 May	—London	75	9	36	11	38	11	58	11	26	7
	Suffolk	73	8	35	0	36	4	42	0	28	8
	Norfolk	71	2	32	9	36	1	62	0	26	0
	Stamford	73	4	35	1	37	7	—	—	24	2
	Leicester	72	4	37	3	43	2	39	6	23	3
	Derby	77	8	41	9	48	8	49	0	27	6
	Stafford	77	8	41	6	45	4	—	—	27	10
	Lancaster	75	6	48	7	41	4	86	0	29	7
15 Aug.	—London	72	10	38	9	46	9	93	11	28	4
	Suffolk	70	6	36	1	42	0	—	—	29	10
	Norfolk	66	11	34	6	40	9	52	0	31	2
	Stamford	78	2	43	0	50	0	—	—	30	4
	Leicester	71	0	39	4	51	9	—	—	29	9
	Derby	80	0	—	—	51	9	48	0	29	10
	Stafford	74	3	41	5	53	1	—	—	30	10
	Lancaster	77	6	36	6	44	0	—	—	29	5
15 Nov.	—London	62	1	42	6	56	5	149	0	30	11
	Suffolk	58	4	41	1	50	9	64	2	29	4
	Norfolk	56	8	38	2	50	6	128	0	28	2
	Stamford	63	11	41	11	60	0	—	—	29	0
	Leicester	63	10	41	1	52	9	—	—	28	6
	Derby	76	6	46	8	60	0	63	0	31	2
	Stafford	67	11	43	10	60	9	—	—	32	1
	Lancaster	73	6	46	4	50	2	—	—	28	9

The Average Prices of GRAIN, in London, Stamford, and counties as under, at the following periods.

		Wheat.		Barley.		Beans.		Peas.		Oats.	
		s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
1808,											
2 Jan.	—London	75	6	44	7	58	2	125	3	40	10
	Suffolk	67	10	41	4	52	3	90	0	33	4
	Norfolk	66	2	38	3	54	1	88	0	32	5
	Stamford	70	8	42	8	61	2	—	—	30	10
	Leicester	69	5	40	4	52	2	49	11	30	8
	Derby	76	8	46	2	59	0	59	0	30	10
	Stafford	71	8	43	6	59	1	—	—	33	0
	Lancaster	73	8	44	5	54	0	168	0	29	7
15 Feb.	—London	72	7	43	2	56	10	144	2	36	3
	Suffolk	68	10	42	4	51	11	108	3	32	1
	Norfolk	66	2	39	2	52	1	65	3	31	8
	Stamford	70	9	43	4	63	6	—	—	32	6
	Leicester	69	3	38	1	50	10	49	11	29	2
	Derby	76	0	46	0	59	8	56	9	30	8
	Stafford	73	0	42	7	60	11	—	—	33	5
	Lancaster	73	1	39	11	61	4	144	0	29	4
15 May	—London	73	11	47	8	56	3	124	10	39	11
	Suffolk	70	2	45	2	53	1	—	—	36	4
	Norfolk	67	11	41	8	55	0	—	—	33	0
	Stamford	71	8	44	8	60	8	—	—	34	11
	Leicester	73	9	41	8	57	5	57	5	33	2
	Derby	81	6	45	6	61	4	50	0	35	8
	Stafford	78	7	39	6	58	10	—	—	32	2
	Lancaster	80	1	41	1	59	4	—	—	30	11
15 Aug.	—London	81	8	47	11	64	1	115	3	43	1
	Suffolk	77	4	42	8	57	11	89	11	42	6
	Norfolk	75	11	40	7	53	0	—	—	32	10
	Stamford	81	5	47	2	65	0	—	—	40	1
	Leicester	79	5	42	2	61	2	61	2	40	6
	Derby	86	0	—	—	64	2	54	6	40	4
	Stafford	82	9	49	8	65	4	—	—	38	1
	Lancaster	85	1	52	2	66	10	—	—	32	9
15 Nov.	—London	90	1	48	4	59	0	97	3	37	9
	Suffolk	92	8	45	0	53	10	79	10	35	10
	Norfolk	94	1	42	7	51	0	68	6	31	6
	Stamford	93	2	45	11	68	0	—	—	33	10
	Leicester	92	7	46	3	69	8	64	11	39	8
	Derby	99	8	50	0	69	6	57	10	37	6
	Stafford	97	10	48	6	69	7	—	—	36	4
	Lancaster	89	11	46	4	69	4	—	—	32	2

The Average Prices of GRAIN, in London, Stamford, and counties as under, at the following periods.

		Wheat.		Barley.		Beans.		Peas.		Oats.	
		s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
1809.											
3 Jan.	London	98	11	45	0	63	0	91	4	38	4
	Suffolk	87	2	41	8	54	2	76	7	35	8
	Norfolk	87	6	39	0	53	0	71	0	33	0
	Stamford	91	2	43	2	72	0	—	—	29	1
	Leicester	90	8	45	11	64	0	93	1	35	4
	Derby	96	10	50	6	70	8	59	3	35	0
	Stafford	97	3	51	2	78	4	—	—	39	3
	Lancaster	90	10	45	11	67	4	—	—	30	6
15 Feb.	London	92	5	44	10	55	7	86	6	36	10
	Suffolk	89	6	42	10	51	1	76	2	32	11
	Norfolk	88	3	40	0	53	0	59	0	33	11
	Stamford	93	0	48	8	69	3	—	—	35	3
	Leicester	89	10	49	1	64	11	85	5	31	8
	Derby	98	2	53	9	71	10	59	9	36	4
	Stafford	99	10	50	3	75	0	—	—	36	8
	Lancaster	104	2	47	3	69	4	—	—	34	7
15 May	London	89	9	44	4	51	11	76	7	38	8
	Suffolk	88	5	44	0	48	11	—	—	33	9
	Norfolk	89	10	39	6	48	0	—	—	—	—
	Stamford	96	4	50	4	64	3	—	—	37	5
	Leicester	94	7	50	2	55	7	56	6	34	4
	Derby	98	8	55	3	73	0	62	9	37	4
	Stafford	100	0	53	0	67	10	—	—	34	11
	Lancaster	100	7	49	9	70	8	—	—	33	2
15 Aug.	London	93	0	37	11	53	9	73	5	32	5
	Suffolk	79	5	38	2	46	5	—	—	32	8
	Norfolk	81	9	36	6	44	0	—	—	33	0
	Stamford	91	6	43	11	60	0	—	—	31	5
	Leicester	89	10	46	10	58	4	59	3	32	7
	Derby	95	0	—	—	68	4	65	0	37	10
	Stafford	99	2	49	4	61	8	—	—	34	8
	Lancaster	100	11	48	0	64	0	—	—	30	6
15 Nov.	London	104	11	49	2	51	7	79	6	32	9
	Suffolk	94	0	46	4	43	6	60	11	28	4
	Norfolk	89	4	41	2	48	6	56	11	30	7
	Stamford	100	7	51	1	62	1	—	—	31	0
	Leicester	95	4	54	1	57	11	57	5	35	4
	Derby	101	8	53	11	66	2	60	0	36	4
	Stafford	106	1	59	8	74	0	—	—	38	5
	Lancaster	99	10	51	3	70	0	—	—	31	1

1810.		Wheat.		Barley.		Beans.		Peas.		Oats.	
		s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Jan. 27—	London - - - -	100	2	44	4	47	4	69	2	29	2
	Suffolk - - - -	95	5	41	3	38	6	66	8	27	8
	Norfolk - - - -	89	6	36	3	54	4	48	10	27	5
	Stamford - - - -	100	0	43	7	62	0			26	8
	Leicester - - - -	92	7	49	3	52	4	84	8	28	6
	Derby - - - - -	96	0	51	4	63	8	53	0	31	2
	Stafford - - - -	102	10	56	6	69	5			36	1
	Lancaster - - - -	102	0	51	9	65	11	80	0	30	11

The following is a statement of the several market towns in the respective counties. The added average price of grain in towns forms that for the whole county to which they belong, and when added their aggregate is the prices given for each county.

SUFFOLK.
 Ipswich.
 Woodbridge.
 Sudbury.
 Hadleigh.
 Stow Market.
 Bury St Edmunds.
 Beccles.
 Bungay.
 Lowestoff.

NORFOLK.
 Norwich.
 Yarmouth.
 Lynn.
 Thetford.
 Walton.

Wymondham.
 East Dereham.
 Harlerton.
 Holt.
 Aylesham.
 Fakenham.
 Wallingham.

LEICESTER.
 Leicester.
 Ashby de la Zouch.
 Hinckley.
 Loughborough.

DERBY.
 Derby.
 Chesterfield.

Ashburn.

STAFFORD.
 Newcastle.
 Stafford.
 Burton on Trent.

LANCASTER.
 Liverpool.
 Manchester.
 Bolton.
 Warrington.
 Wigan.
 Preston.
 Lancaster.
 Ulverston.

From the enumerated advantages, and the creation of new inspirited demands, occasioned by the increased facilities, I leave the conclusion to be drawn. My hypotheses, I strongly presume, are considerably aided by interesting premises of fact. The contrasted routine of conveyances, and the opposed statement of prices, auger favourably, I have no doubt, towards the adoption of my sentiments, respecting this indispensable requisite of national and natural commerce.

The following is an accurate account of the quantities of grain received, in the London market, from the ports of the eastern counties. This conveyance has been by precarious marine navigation, and the article has again been, in considerable instances, conveyed by way of London to the Staffordshire district, on the Grand Junction, thus not only causing circuitous but doubly-taxed sales, and expences; whereas the intended junction would, in the first instance, have prevented both.

The annexed table will also shew the quantity of grain imported from Ireland and foreign markets into London; and, likewise, the aggregate account of importation to the same market, with the places whence principally imported, for the years 1808 and 1809.

Grain imported into LONDON, from the counties of Norfolk, Suffolk, Essex, and Kent, distinguished from the aggregate of Great Britain, the total from Ireland, and likewise from foreign parts, in the year 1808.

NORFOLK.	Wheat.	Barley.	Malt.	Beans.	Peas.	Oats.
Lynn	8,845	4,729	1,141	949	905	4,572
Wells	3,235	19,301	382	40	2,557	438
Yarmouth	26,517	59,015	14,216	1,495	2,171	4,550
	36,417	83,045	15,739	2,505	5,633	9,560
SUFFOLK.						
Aldborough	11,721	14,385	789	2,739	678	392
Ipswich	25,820	19,140	51,981	9,991	2,056	2,031
Southwold	11,180	7,715	998	1,831	402	438
Woodbridge	17,190	14,095	5,297	4,770	753	2,778
	65,911	55,333	59,065	19,331	3,919	5,639
Essex	122,552	15,492	61,242	39,355	6,912	14,704
Three counties N. of the Thames }	188,463	70,825	120,307	58,686	10,831	19,643
Kent	39,490	8,139	661	6,626	7,991	2,613
	427,953	78,964	120,968	65,312	18,822	22,256
From other places in Great Britain }	37,305	27,080	1,914	3,925	3,225	656,731
Total	501,675	189,089	138,621	71,742	27,680	689,187
From Ireland	450	300	—	—	—	57,433
Foreign	3,047	877	—	5,984	8,887	31,002
Total imported into London in the year 1808. }	505,172	190,266	138,621	77,726	36,567	777,622
1 Quarter	84,156	88,805	59,429	18,741	5,562	179,405
2 —	79,802	34,523	34,512	16,933	2,676	212,069
3 —	64,776	11,541	16,857	15,523	10,445	198,794
4 —	76,438	55,397	28,823	26,529	17,886	187,356
	505,172	190,266	138,621	77,726	36,567	777,622

Grain imported into London from the counties of Norfolk, Suffolk, Essex, and Kent, distinguished from the aggregate of Great Britain, the total from Ireland, and likewise from foreign parts, in the year 1809.

NORFOLK.	Wheat.	Barley.	Malt.	Beans.	Peas.	Oats.
Lynn	768	4,460	1,620	277	478	4,753
Wells	—	23,762	343	485	2,190	1,590
Yarmouth	6,008	77,828	10,700	1,616	3,058	10,563
	6,776	106,050	12,663	2,378	5,726	16,906
SUFFOLK.						
Aldborough . . .	10,738	16,834	1,316	3,102	1,020	983
Ipswich	19,594	19,361	63,938	8,367	2,557	5,997
Southwold	7,055	10,339	120	2,191	733	844
Woodbridge	16,417	13,831	8,721	4,037	613	2,199
	53,804	60,665	74,095	17,697	4,923	10,023
ESSEX	123,657	19,372	72,068	48,853	5,689	12,312
Three counties of the Thames }	184,237	186,087	158,826	68,930	19,338	39,241
KENT						
	34,562	9,448	273	6,771	8,727	2,149
	218,799	195,535	159,099	75,701	28,065	41,390
From other parts of Great Britain }	10,324	29,449	5,008	2,632	2,833	591,739
Received into London from all places in Great Britain }	229,123	224,984	164,107	78,333	30,900	632,129
Ireland	763	25	—	—	—	75,570
Foreign	163,422	8,258	200	22,020	26,291	278,860
Total imported into London in the year 1809 }	393,310	233,267	164,307	100,353	57,191	986,559
1 Quarter	73,253	101,506	58,300	28,360	12,533	269,080
2 —	84,748	44,172	49,467	22,366	10,213	274,268
3 —	82,322	16,237	17,120	19,345	11,113	213,754
4 —	152,987	71,352	39,420	30,282	25,382	229,437
	393,310	233,267	164,307	100,353	57,191	986,559

From the two preceding tables, for the two last years, giving the quantity of grain sent from the ports and places on the maritime sides of the counties to London, exclusive of large shipments to other places. We may easily perceive what a larger proportion of grain will not only be brought from Norfolk, by means of the navigation from Thetford, Bury St Edmunds, in Suffolk, and along the Ouse, through Stamford, but, more particularly, under the circumstance of the Rivers Orwel and Stour being connected with the river Lark, by a navigable cut.

As I have given a statement of the quantity of grain shipped to London only, by the eastern ports, from those eastern counties, I will take into consideration next, the quantity of grain actually shipped from the ports in the Wash. But, as Lynn, from its local situation, must receive what grain she exports chiefly from the counties of Norfolk and Suffolk, the following is an account of the quantity of grain exported the last four years therefrom.

Grain, &c. shipped Coastwise, from the Port of Lynn, in Four Years, terminating at Michaelmas, 1809.

YEAR ENDING AT MICHAELMAS.						
Species of Grain.	1806.		1807.		1808.	
	Qrs.	Bls.	Qrs.	Bls.	Qrs.	Bls.
Wheat	26575	3	30006	3	56715	3
Wheat Flour	3520	1	1621	3	5624	—
Rye	9322	4	6732	7	10487	2
Barley	101526	6	76777	2	75039	1
Malt	2441	4	1331	6	1785	5
Oats	27650	2	15137	2	8538	—
Pease	17079	2	6088	3	1304	7
Beans	13347	3	13453	6	6454	3
Tares	1215	3	313	—	85	3
Rape-Seed	11493	2	5627	2	6809	1
Hemp Seed	269	4	26	3	32	4
Clover-Seed	207	7	155	—	47	6
Turnip-Seed	14	—	5	4	22	1
Mustard-Seed	347	1	352	5	218	6
Cinque and Trefol Seed	268	3	947	5	473	7
Lansed	—	—	8	4	—	—
Rye Grass Seed	—	—	109	4	219	4
Buck-Wheat	—	—	136	7	25	1
Total	215278	5	162011	2	173883	3
					163233	2

*And also
Of Grain, &c. shipped Coastwise from the Port of
WISBEACH, for Four Years, ending at Christmas.*

Years.	Wheat.	Barley.	Oats.	Beans.	Flour.	Rape-Seed Mustard- Seed, &c.
	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.
1805	2374	809	29585	2210	—	4136
1806	11743	960	33649	3939	188	6992
1807	9158	607	38594	5189	25	5814
1808	18141	44	32088	5239	631	6957
From Christmas, 1808, to Michaelmas, 1809.	13606	104	13800	1010	—	3006

*A Statement of Grain, &c. shipped coastwise,
at Boston, in the following Years :—*

	Wheat.	Barley.	Pease & Beans.	Oats.
1805	2845	386	1374	260,369
1806	4681	1801	2337	271,494
1807	7222	1012	2371	253,203

The three ports of Boston, Wisbeach, and Lynn, all situated on the Wash, including their respective sufferance ports of Spalding, Wainfleet, &c. exported coastwise, collectively, in the following years :—

	Wheat.	Barley.	Pease & Beans.	Oats.
1805	25,235	74,750	23,829	310,235
1806	47,825	92,183	32,555	330,092
1807	54,339	78,311	23,053	294,990

And the quantity of grain, &c. imported into London *only*, from the ports of Boston, Wisbeach, and Lynn, being the aggregate quantity received from the Wash in the years 1808 and 1809, was as follows :—

1808.

	Wheat	Barley	Malt	Oats.	Rye	Beans	Pease.	Rape-seed.
Boston . . .	4,613	435	547	240,149	70	1450	129	105
Wisbeach . .	1,127	290	—	20,851	—	1516	7	2286
Lynn . . .	6,645	4729	1141	4,672	—	969	905	1014
Total from the Wash in 1808. }	12,990	5454	1688	265,672	70	3935	1041	3405

1809.

Boston . . .	319	125	70	243,540	—	315	280	780
Wisbeach . .	—	—	414	14,143	—	511	—	1100
Lynn . . .	768	4560	1620	4,753	—	277	478	209
Total from the Wash in 1809. }	1087	4685	2104	262,436	—	1103	758	2089

After these statements I shall now make a conclusion of what has already been detailed, as to the quantity of tonnage which may pass through Stamford, in grain, to the westward. Let me put a supposition, that the extended agriculture of the counties to the eastward can supply Liverpool with the same quantity of wheat, wheat flour, barley, beans, and pease, as there has been imported of these articles into the port of Liverpool, for one year, from the average of the six last, in that case the quantity of tonnage of grain, through Stamford, from the eastern counties, going to supply Liverpool only, or their intermediate districts supplied from thence, the average of the period before mentioned would be :

28,964 tons of wheat.

6,044 tons of wheat flour

6,147 tons of Barley.

3,156 tons of beans and pease.

44,311

I have not taken into account oats or oatmeal, both of which are very considerable articles of importation into Liverpool, and the former of exportation, from Boston in particular; they are of less importance from the other places. A

share, however, might pass the lock, at Stamford, to the midland but not the western counties.

The weight in grain, of those sorts at least which will bear carriage to Liverpool from the eastward, is fixed, upon the average already stated.

I shall now give the quantity of grain, in weight, received in London from the eastern ports or shipping-places in the counties of Norfolk, Suffolk, and Essex, and distinguish the aggregate shipped from the ports of the Wash (viz. Lynn, Wisbeach, and Boston). The average of three years, shipped from the Wash, is for wheat, barley, pease, and beans, only, which, from contiguity to the direct route to the westward, through the Stamford Canal, might, I think, almost with safety be expected to pass through it. This will more particularly take place when the markets hold out encouragement, as they uniformly will, as appears from the correct statement of the average prices already given. I shall then shew that, for the grain shipped from the eastern places, it will be cheaper to go by the inland than the marine navigation.

The following is the tonnage of the different sorts of grain, received in London, from the counties of Norfolk, Suffolk, and Essex, and of that shipped from the ports in the Wash (Lynn, Wisbeach, and Boston); the former upon the average of two, and the latter upon the average of three, years; viz.

From the Counties to London.

40,811	Tons of	Wheat.
28,336	————	Barley.
23,260	————	Malt.
12,012	————	Beans.
3,580	————	Pease.
108,000	————	

From the Wash to all places.

8,493	Tons of	Wheat.
13,625	————	Barley.
5,296	————	Pease & Beans.
27,414	————	
135,414	Tons.	

It therefore appears, that the ports of the counties, which can profit by the Stamford junction navigation, send to the London market *only*, upwards of double the quantity imported into the port of Liverpool, and including that shipped from the Wash to all places it will be trebled. The question now to be considered is, if there will not be a great temptation to bring the grain, partly exported by the ports, to the approaches of the navigation to the Ouze, farther overland to the adequate demand. This question will principally turn upon the difference of expenses betwixt the inland and the marine navigation, from the eastern counties, computing the delay

by the length of the voyage, either round by Scotland or down channel by the Land's End.

The usual freights, from the ports in the Wash to Liverpool, has been, lately, from 10s. to 11s. 6d. per quarter, according to the season of the year and demand for shipping. A quarter of wheat we will suppose to cost, in Norfolk, only 65 shillings.

The cost of a quarter will be.

	£	s.	d.
Freight, from the Wash to Liverpool . .	0	10	0
Insurance in summer 2 guineas, in winter 3½ to 4 guineas, reckon but 3 per cent. on 65s.	0	2	3
Make an allowance for sea-damage, which the policy of insurance does not cover, (unless the ship is stranded, or a general average,) waste, loss in measure, damage and sundry contingencies, reckon . .	0	1	0
	<hr/>		
	£	0	13 3
	<hr/>		

Interest of money, from the delay and uncertainty of the sea-voyage

Risk of markets from the same causes .

Cost per quarter when the corn is }
received at Liverpool } £

The difficulty now appears to make a correct comparison with the charges of inland navigation. I cannot calculate precisely, nor within perhaps a few pence, the probable cost even of the carriage of grain from the river Ouse to Shardlow. I must therefore be allowed to take it upon surmise, or upon the cost of carriage betwixt Manchester and Shardlow, which, being a canal navigation all the way, must be much more expensive than from Shardlow to the river Ouse. From this river (excepting through the Wisbeach canal to the river Nen), quite up to Peterborough, is a tide and river navigation, and in that considerable distance only 1s. per ton lockage. This charge is paid on the Wisbeach canal, forming the junction of the rivers Ouse and Nen. If then we reckon the intended Stamford Junction Navigation to commence at or near Peterborough; from thence the tonnage or lock-dues, and the freight through Stamford and Okeham to Shardlow, (even not reckoning the return freight of coals to reduce the cost,) must be very reasonable: but as Shardlow will be about the centre point, and to omit details, to the eastern division, I will take the cost at 23s. per ton for grain, as it now is betwixt Shardlow and Manchester.

The cost will then be, from the points of the rivers Little Ouse and Lark, and falling into the Great Ouse, passing to the Nen; from thence near Peterborough, through the Stamford Junction,

Navigation, to Manchester and Liverpool, per
ton £.2 6 0

Which sum, divided by five, the
number of quarters of wheat usually
reckoned to a ton, makes the cost by
inland navigation, per quarter . . . 0 9 2½

By marine navigation, not adding
various contingencies, as already
stated, 0 13 3

which I conceive so palpable an answer to any
objections, that no further elucidation is requisite.

To the cheaper conveyance, already stated, by
this inland, than by the marine navigation, should
be added the consideration of an easy, secure, and
almost certain communication (frosts excepted) of
the different districts of the country with each
other. Considerable risk and great delay will be
avoided—the effect of tempestuous seasons: in
time of war, delays through convoys,—con-
trary winds, and other numerous disadvantages.
Thus little doubt remains in my mind, that the
traffic in grain will be a very considerable and
increasing trade, whereon the Stamford Junction
will found and derive, with the addition of coals, a
most important branch of its revenue.

ON THE
NATIONAL IMPOLICY
RESPECTING
COALS.

NEXT to bread, an indispensable requisite towards the stimulation of animal life is fuel. In this country nature has, as it were, acted the Dryad to the preservation of our maritime fortresses, and, by the singular donation, though partial distribution of subterraneous product in the north of England to Scotland, superseded the massacre of our oaks.

In most of the other European countries, the superficial produce of the earth completely serves the fulfilment of necessary wants. In Britain, from prescriptive usage, one of our most important necessities is answered by its embowelled treasures.

On the European continent, coals have not been discovered, or rather produced, excepting in the neighbourhood of Liege; and lately, a very inferior stratum has been worked, near Helsingburg in Sweden; but the quantity obtained in both is so trifling, and the quality so very inferior, that

they are scarcely worth mentioning. Nothing can be a greater proof of the estimation in which English coals are held on the continent, (not for domestic purposes, as in this country,) but for their manufactories of various descriptions, foundries, &c. than the amount of the official value, in this article, exported from Great Britain to foreign places, which were, in the following years,

1805	-	-	-	£. 25,014
1806	-	-	-	557,515
1807	-	-	-	494,240
1808	-	-	-	526,885

Notwithstanding the disposition of foreigners to take no more coals than their necessities demand, yet have them, they must, at any price, for their naval, military, and manufacturing purposes. Strange, however, as it may appear, our enemies pay less for their coals from England, than we generally do ourselves, except at those ports in the island whence we export the article, or those places immediately contiguous to collieries, or on the navigations therefrom.

Whilst we export coals abroad to so great an amount in value, producing so trifling a return comparatively in revenue; I cannot forbear questioning the unequal policy of taxing one part of the kingdom so enormously, because it has not the natural advantages of another, for one of the most necessary articles in life. Yet the old-fashioned phrase, long before our commerce was

so widely diffused, of "the coasting-trade (as it is called) being the best nursery for our seamen," is now even extolled, no doubt, more for the raising an immense revenue (amounting at present, to about one million per annum) than the intrinsic thing itself. It is therefore the revenue which is the secret motive for this avowed national nursery of our seamen, and not the nursery itself, as will be seen from the following statement.

In the year 1807, the duty on coals brought coastwise to London was £.570,715 14 3

On culm - - - - - 252 16 3

820,968 10 6

The duty on coals carried coastwise from one port to another in England and Wales only, was, in the same year, £.344,385 12 0

On culm - - - - - 8,741 11 7

353,127 3 7

One shilling per chaldron on coals, shipped in the river Tyne, for consumption in England - - - - -

26,719 0 0

£.949,814 14 1

In the same year we exported coals to the amount, according to official value, of 494,240 $\frac{1}{2}$.

the duty on which to the revenue was only - £.56,147 16 10

The duty on coals imported into London, is nearly double what is paid at any other port in

the kingdom, and on what is exported abroad.* Where then is the policy of this measure? for though in London, owing to the causes arising from a crowded and immense population, all the necessaries of life must be higher than in other quarters of the kingdom, and, by necessity, the demand greater,—why should its locality alone contribute so eminently to the revenue? The demand for coals from abroad has been, and always will be considerable. It forms, in my mind, an object of consideration for the relief of the metropolis at least, as well as for general legislative consideration.

At Hamburgh alone, are near five hundred sugar-houses, not one of which is now employed for want of coals. In Copenhagen, English coals, which readily sold at 32 dollars per last, and left an ordinary profit, have lately sold at 300 dollars per last. In the exportation of coals in 1808, notwithstanding all the restrictions and prohibitions of the enemy against most articles to the continent, we find the same amount exported as in the year 1805, when there were few or no obstacles in the way. This is, as I apprehend, an ample confirmation of my previous assertion, namely, that our enemies will have English coals at any price. Why not make them contribute something to reduce our domestic cost, or to increase our revenue.

After this general outline relative to the policy

* See the preceding statement.

of this country in the article of coal, I shall, without delay, come to the interesting point of observation, viz. the quantity brought from Newcastle and Sunderland, to the different ports in the Wash, from whence, by means of the navigable rivers and canals, the interior has been supplied with this indispensable article. The average quantity of coal, brought to these ports by marine navigation, according to official documents in 1807, was, to

Boston,	- - - - -	45,338 tons
Lynn,	- - - - -	150,475
Wimbeach,	- - - - -	28,596
Total		219,596 Tons

The amount of the duty, or revenue to the treasury thereon, amounted, in the year 1807, to 58,559*l.* 1*s.* 6*d.* sterling.

To the quantity imported, not only at Boston in particular, but at the two other ports, may be added, that which was taken from Leeds and Wakefield for the sole purpose of a return freight of wool, which was the prime object of the adventurers in carrying a quantity of coals of no mean importance. The freight of coals* from Newcastle and Sunderland to London*, of late, but particularly during the last year to the present month, has been from 24*s.* to 32*s.* per London chaldron. Vessels, however, might now be en-

* The quantity of coals imported into London is about 1,300,000 tons annually.

gaged at 25s. per chaldron, for twelve months certain employment in the trade. The freight from the northern ports to those in the Wash is proportioned to these terms, and some difference is made in the agreement, if vessels should get a freight of grain to London, or some contiguous port in return. The freight from Newcastle and Sunderland for coals, to the ports of Boston, Wisbeach, and Lynn, in ordinary times, according to the preceding rates, to London, might be reckoned from 18s. to 24s. per chaldron; Winchester-measure; and, in some instances, according to the season of the year, nearly as high as the freights paid to London, if there is no chance of getting a freight of grain from any of the ports in the Wash.

It is understood, that the coals shipped from the two northern ports to those in the WASH, are of a superior quality; and these are put on board the vessels in the rivers Tyne, or Wear, at from 30s. to 36s. per Newcastle chaldron; but reckoning at the medium, including all charges on board the vessels, the cost to be about 14l. per keel, of 8 Newcastle chaldrons, the keel may be expected to render upon the average 15½ chaldrons of London measure.

Therefore, reckoning the first cost, and all other rates of the freight as mentioned, insurance, light-dues, the permanent war and coasting duties, they will cost generally, at from about 47s. 6d. to 50s.

per London chaldron, in tempestuous seasons, at the *ports* in the Wash, if imported from Newcastle, or Sunderland,—the price will be still higher should there be a demand for shipping.

I have given this general detailed account, most clearly, of the marine coal trade, and that to the WASH particularly, in order that a judgment might be formed of the possible competition with the *inland* coal. This I have done, as the latter might be conveyed from the west in the neighbourhood of Sharnlow, from the Cromford and the Erewash Canals, falling into the Trent just opposite the mouth of the river Soar; and finally passing through the intended *Stamford Junction*, and so proceed on to the eastern markets.

The result of the most minute and attentive enquiry as to the superior benefit generally derivable to the public, in the line of the intended Stamford Junction, not only in the conveyance of grain, but particularly of coals, is manifested by the following facts:

Coals, by the Cromford and Erewash Canals,	£.	s.	d.
sell, at the Soar Mouth, per ton, - - -	0	10	6
On the Grand Junction line,			
at Blisworth, per ton, - - - -	1	5	0
at Northampton - - - - -	1	8	4
at Long Buckby - - - - -	1	3	4

Warwickshire coals being reckoned of an inferior quality to the above, which are Wednesbury, the price is at 3s. 6d. per ton less for the former than the latter. The distance from the

river Soar at the Trent, to Oakham, or to Market-Harborough, is nearly the same both in distance and lockage, excepting the difference of 1*d.* per ton less to Oakham; yet the coals from the same colliery are sold invariably at 1*s.* per ton less at Oakham than at Harborough: this arises from the boatmen's wages being more to one, than to the other place.

The general average price of coals selling wholesale at Harborough is 22*s.* 6*d.* per ton, and at Oakham 21*s.* 6*d.* per ton of 2240*lb.* The largeness of the pit-measure opposed to that of delivery, creates that difference, which forms the profit on the first cost, added to tonnage and labourage. The distance from Oakham to Stamford will be 15 miles, and 25, from Harborough to Stamford: so that coals, grain, and all articles will be conveyed considerably cheaper by the *Stamford Junction* than by the intended Harborough line, not only in distance, but in labourage and lock-dues. The navigation of the river Nen now improving, will supplant it to and from the Grand Junction on that line at Stamford. The inference from what has been said, must then be, that as the navigation proprietors from the river Soar to Oakham will be benefited in a manner superior to their original calculation, some abatement ought to be made in their rates, for the additional and unexpected quantity of traffic brought upon it by the *Stamford Junction*.

This appears so reasonable that I am per-

suaded it will not be objected to, when we take into account the quantity of grain to Shardlow in one way, and of coals as a return freight in the other. Coals in transito from the west to the east, may then be expected to cost, at Stamford, at about from 25s. to 26s. per ton.

To this cost, by proceeding eastward, an addition will be made of the lockage at Stamford to the river Nen; in the navigation of which river, thence to Wisbeach, as there are no locks, and the tide considerably aids it (flowing within ten miles of Peterborough) to Wisbeach, the lock dues from thence to the river Ouse will be only 1s. per chaldron. The coals conveyed to the interior by that river, and in those parts from whence corn in particular will be brought, will be reasonable in cost of carriage, on account of the reciprocal traffic in grain and coals, and mutual exchange of commodities. The sea-coal at the ports will cost from 45s. to 50s. per chaldron of 26cwt. but if we take the average at 47s. 6d. per chaldron, the ton will, at the ports, cost 36s. 8d. The transportation from thence to the interior will be attended with a greater expence, than in the vessels trading through Stamford, by the expence of shifting the cargo, which will in this instance be put on board at Shardlow for the whole voyage, till the delivery at any district on the Ouse.

We must however allow that the three ports in the Wash will have a share of the sea-coal trade, though it

be only brought for ballast coastwise in vessels occasionally coming for grain and wool; but their respective interior trade for coal, Boston excepted, will be chiefly engrossed by means of the *Stamford Junction*. The competition for the supplying of 220,000 tons of coals will then be fairly tried between the maine and the inland navigation. The price for the former may be reckoned at about 36*s.* 8*d* per ton, and for the latter, according to the rates to be fixed thereon, at from 28*s.* to 31*s.* per ton. In fine, should it happen that the coal trade be divided amongst the three ports of the WASH with the *Stamford Junction*, it will render the latter a most profitable concern.

ON THE
NATIONAL BENEFIT
DERIVED THROUGH
SHIPPING, NAVIGATION, &c.

I CANNOT here refrain from making a few observations upon the general subject of our shipping; it has, in fact, an obligatory claim on our attention, not only as it is creative of our vast commercial power and aggrandizement, but as it forms the basis of our protecting navies.

It is a circumstance of petuliar felicity, that the projected Stamford Junction concentrates all the advantages of calling forth our general capabilities through the island, in this important head.

In the first place, its navigable facilities will be connected with that district of country, where the greatest quantity of hemp and flax is grown in the kingdom, and sufficiently capable of supplying the demand for our naval and commercial fleets, not only in these articles for cordage, but for sail-cloth

also. The latter can be produced, of native growth, equal to the quantity imported and used in all the ~~linens~~ ^{linens} we have imported and hitherto consumed. I am not extravagant when I state, that 270,000 acres of such land will accomplish the whole object, and form a saving to the nation to the amount of at least four millions, which we have paid to our enemies for these two articles, while their produce in seeds would make an aggregate of at least four and a half millions pounds sterling, to be obtained in that district alone.

By the Stamford Junction, a fine and new opening is directly made to a new district, if I may term it, as it really is, for ship-timber. This lies not only in the counties of Rutland and Leicester, but contiguous to the line through which the whole extent of the intended canal will pass to the interior; from whence it could not be got to Hull, even by the Trent, except at a cost beyond its value, or at a price at which they could import such plank and timber from abroad, high as the article has been of late years. Of course, the inestimable fine *British oak*, which floats with our existence and independence, has not borne in the interior so high a price as *foreign fir* would cost. It has, therefore, from the want of a navigable communication like the present, been cut up for ordinary purposes, to which foreign fir might have been appropriated at a much lower rate, by means of the intended navigation; so that through its medium in this instance, a treble object will be acquired; the two

as before stated, and the third resulting to the land owner.

Coal and ironstone abound in large quantities on the line connected with the intended Junction; so that iron may be purchased at a cheap rate; and so well is it now manufactured, and at so reasonable a price, that we are become exporters, and independent of other countries, excepting for the fine sorts of Swedish, for particular branches of our manufactures.

On account of the enormous price of all sorts of naval stores, the progress of ship-building has been, as it must be, greatly checked. In the British Empire, we were in the habit of building, but a few years ago, from 12 to 1500 sail of commercial vessels annually. How deplorable to see the decline, when the number and tonnage of merchant vessels built in the *United Kingdom*, in each year ending on the first of January, stood as follows:

1807 - - - 599 Vessels - 58,606 Tons

1808 - - - 520 - - - 57,951

1809 - - - 443 - - - 45,939

Boston has not held the share of shipping, to which by her commerce she might be entitled. Much less has Wisbeach enjoyed this advantage, though it has the whole extent of the river Nen for its supply. Not Lynn, though possessing that of the river Ouse. Hull has a wide range indeed, of all the Yorkshire rivers, and hitherto in part the Trent.

The quantity of shipping belonging to the ports in question, was, on the 30th of September, 1807 :

	Vessels.	Tons.	Navigated by
Hull - -	704 - -	77,304 - -	4,832 men.
Boston - -	154 - -	8,967 - -	519
Wisbeach	23 - -	1,114 - -	63
Lynn - -	143 - -	14,762 - -	839

and the following is an account of the number and size of vessels built in the year ending 5th of January, 1807, at the above ports.

Vessels.	Tons.	Vessels.	Tons.
BOSTON - 1 -	101	HULL - 1 -	363
1 -	84	1 -	104
1 -	19	1 -	2
1 -	31	1 -	175
1 -	9	1 -	45
1 -	42	1 -	45
1 -	6	1 -	330
1 -	84	1 -	46
<hr/> 8	<hr/> 376	1 -	45
		1 -	219
		1 -	40
WISBEACH 1 -	50	1 -	40
1 -	27	1 -	289
1 -	11	1 -	45
<hr/> 3	<hr/> 88	1 -	130
		1 -	48
		1 -	65
LYNN - 1 -	318	1 -	110
1 -	14	1 -	213
<hr/> 2	<hr/> 332	1 -	128
		1 -	144
		1 -	284

	Vessels.	Tons.		Vessels.	Tons.
HULL	1	185	HULL	1	46
	1	197		1	215
	1	85		1	48
	1	46		1	255
	1	149		1	273
	1	45		1	301
	1	47		1	237
	1	187		1	103
	1	45		1	96
	1	203		—	—
	1	45		43	5923
	1	50		—	—

	Vessels.	Tons.
BOSTON	8	376
WISBEACH	3	88
LYNN	2	332
GRIMSBY	3	97
HULL	43	5923
Total.	59	6816

When the Stamford Junction shall be completed, I have no doubt of seeing the ports in the Wash participate in a share of the trade with the Thames, but the Humber in particular.

The port of Boston lies directly opposite the heart of the kingdom, and through Stamford, both by the river Nen and the Oakham Canal, it will participate in the foreign trade of imports and exports. It will also share in the export of produce and manufactures from the central parts of the king-

dom, and be preferable to the precarious navigation of the river Trent to Gainsborough, and thence by a more dangerous navigation to Hull. Boston, by its immense export of oats to the London market, where the greatest share will ever go, must derive great advantage to her shipping. In the return freight, she can afford to bring back, in lieu of ballast, articles of utility and consumption, even for Leicestershire, at a cheaper rate through the Stamford, than along the Grand Junction and intended Union Canals.

When we view the object of the enemy, and the possible means he may have in his power by the approximation of his shores; our coasting and foreign trade in the Channel, through Dover Straits, may be much annoyed. It is therefore curious, it is not interesting, to see the proportion of foreign trade, by the number of vessels, their tonnage, and number of men to navigate the same; trading to those quarters lying in the course thereto and therefrom westward of England. This traffic may altogether, or a great share, at no distant period, go to and from the ports on that side of England, viz. with the United States of America, foreign colonies in America and West Indies, British colonies in America and West Indies, East Indies, and Cape of Good Hope, Africa, Gibraltar, Malta, Guernsey, and Ireland. The number, &c. of vessels thus trading, in the year 1807, was,

INWARDS.

	Vessels.	Tons.	Men.
British	8462	961,776	58,677
Foreign	673	172,148	7,739
	<u>9135</u>	<u>1,133,924</u>	<u>66,416</u>

OUTWARDS.

British	9160	1,644,279	67,814
Foreign	673	175,261	8,204
	<u>9833</u>	<u>1,819,540</u>	<u>76,018</u>

The gross amount of the western trade, inwards and outwards :
 18,968 vessels. 2,353,464 tons. 142,424 men.

Of the *foreign ships*, it must be observed, excepting about 60 sail inwards, and 7 sail outwards, that the rest belonged to the United States of America. So much for the trade on the western side of the island.

I shall now collect the analysis of the quantity of tonnage employed in the easterly trade of England only, distinguishing British from Foreign shipping.

In this statement, I also comprize the repeated voyages made by the shipping employed, viz. to and from Dantzic, Denmark, Norway, Flanders, Germany, Hamburgh, Holland, Prussia, Russia, and Sweden; in short, all places (Greenland and Davis Straights excepted) north of France.

INWARDS.

	Vessels.	Tons.	Men.
British	1766	330,556	16,010
Foreign	2270	227,456	20,550
	<hr/> 4036	<hr/> 558,012	<hr/> 36,560

OUTWARDS.

	Vessels.	Tons.	Men.
British	1548	282,392	13,014
Foreign	2336	336,159	17,628
	<hr/> 3884	<hr/> 618,551	<hr/> 31,542

Aggregate quantity employed in the eastern continental trade of England only.

7920 vessels. 1,176,563 tons. 68,102 men.

It may be asked, how can this explained division of the commerce of England on its eastern and western sides, apply to the locality of the ports in the *Wash* and on the *Stamford Junction*? I shall reply, in the first place, that unforeseen possibilities may arise, un contemplated, and consequently unprovided for. secondly, that the natural advantages and the considerations already stated of intermediate positions between the *Humber* and the *Thames*, and immediate contiguity to the heart of the kingdom, must, by proper care and attention, cause the ports of *Boston* and *Wisbeach* to be places of increasing importance. These are gratifying prospects for those ports, and they are

founded upon solid principles. They are, however, dependent upon the energy and enterprise of the present or future residents, who, seeing these important advantages in store, may be led to cultivate them.

Some calculation may be formed for the future, by an analysis of the past, even under all its disadvantages, and the difficulties of the present moment. I have abstracted the number of vessels and their tonnage, which entered *inwards* and cleared *outwards*, in the several ports on the *west coast of England*, from LIVERPOOL inclusive to the northward; and likewise to and from the east coast, from LYNN REGIS in Norfolk inclusive, to the northward. All to, or from any part of the continent of Europe, situate north or north-eastward of Holland, for 5 years, ending 5th of January 1806, viz.

	INWARDS.		OUTWARDS.	
	Vessels.	Tons.	Vessels.	Tons.
1802	469	92,283	486	101,999
1803	446	96,768	420	87,531
1804	345	81,054	369	89,544
1805	383	84,061	406	83,223
1806	420	88,454	420	109,990
Average of 5 years	412	88,523	440	94,457

The aggregate quantity of shipping chiefly from Liverpool, Hull, and the Wash;

	Vessels.	Tons.
Inwards	412	88,523
Outwards	440	94,457
Total	852	182,980

To sum up the general and particular view now given of the shipping, trade, and navigation of England only; when the whole is duly considered, the circuitous route experienced hitherto by a great part of the trade both by the Humber and Thames; when these disadvantages are contrasted with the direct, speedy and secure conveyance through the STAMFORD JUNCTION, and likewise by the Nen; it is certainly an inference both just and natural, that a very considerable quantity of additional tonnage, in the way of foreign imports and exports, will assuredly pass and repass through these new projected interior channels, to a very considerable extent, of the interior manufacturing districts. A share of the foreign and domestic imports and exports of Hull, through the projected canals to Boston and Wisbeach, must be a natural consequence also, when we cast our eyes upon the map, and observe the great distance from Hull to the manufacturing and trading districts in the centre of the kingdom. This, occasioned by the long, tedious, and precarious river navigation of the Trent, subject to droughts in summer; to frosts, and likewise floods, at other seasons of the year; the Stamford Junction Canal, directly opposite, will obviate these difficulties to and from the ports of the Wash, in all but frosty periods.

That this suggestion may not be deemed speculative, but confirmatory of the sentiments I

have advanced, I here subjoin the revenue of the river Trent navigation, between Gainsborough and Shardlow, the tolls of which are very moderate, yet at the same time amount to a considerable sum.

They were as follows :

In 1802	-	-	£.7,259	6	3
1803	.-	-	6,327	8	4
1804	.-	-	7,421	6	6
1805	-	..	6,762	11	5
1806	-	..	7,343	9	7
1807	-	-	7,191	14	9

A moiety of this may be expected by the intended Stamford Junction, Navigation Company, so soon as the laudable effort is completed.

GENERAL SUMMARY.

HAVING classified, under distinct heads of explanation, the most important subjects connected with my general views, I come now finally to impress the possible advantages deducible from my plans being put into practice. Upon my commencing observations relative to the general, political, and commercial system, I leave the legislature of the country to decide. I cannot, however, resist the mention of a pretty wide elucidation being thrown on those generally interesting subjects, by the developement of facts, heretofore unknown, or rather confined.

It will be observable, that in the course of my suggestions, I have dwelt chiefly upon the principle of our general trade, emanating *only* from two lateral points of the *island*, namely, the *eastern* and the *western*. That such a stricture may possibly occur from the prospects on the European continent, as well as the American, is highly probable. It will therefore be gratifying, from a knowledge of the tonnage in shipping employed in the trade on each side of the island, to calculate

the probable share in value, which will pass through the inland navigation from port to port. I, also point out the amount in value of the aggregate trade of the country, on the east and on the west, which I have stated in the three years previous to the American embargo, and the subjugation of Germany, Prussia, and the northern powers. The first is:

State of the Trade from the Westward side of the Island of Great Britain.

Imported in	1804.	1805.	1806.
Southern European produce - - -	£.2,324,542	2,974,249	2,642,740
Colonial and American produce -	10,128,748	9,520,128	12,085,899
Irish produce and manufactures -	2,693,745	2,980,493	3,245,742
Sundries - - -	1,215,698	1,229,531	1,482,870
Prize goods - -	1,970,523	1,141,710	735,938
East-India goods -	5,214,621	6,072,160	3,755,396
	£. 23,547,870	23,919,271	23,948,585

Of which re-exported			
East-India goods -	3,760,695	3,147,782	2,667,404
Colonial and American produce -	3,582,999	3,957,994	4,366,958
Irish produce and manufactures -	397,977	400,808	322,445
Sundries, including Prize goods -	2,243,068	1,838,598	1,024,189
	£.9,984,739	9,345,182	8,391,996

British produce and manufactures exported to all places in the same years. } £.23,547,870 25,004,397 27,403,653

From Great Britain eastward, or the parts north-eastward, to which a great share of the above amount was re-exported, were Holland, Germany, and all the powers around the Baltic. From these quarters was imported into Great Britain in northern produce and manufactures, in the same years, in amount, viz. —

	<i>From the East.</i>		
	1804.	1805.	1806.
Produce and manufactures,	4,233,277	4,404,805	4,113,402
Of Corn and Grain,	927,696	1,534,243	318,312
	<hr/>		
	£. 5,156,973	5,939,048	£ 4,431,714
	<hr/>		
Of which, foreign } European produce } re-exported,	£. 530,835	605,326	732,482

Such is the view we may take of the probable conveyance of foreign and our own products. Those on the eastern being transported inland, to the western ports for re exportation, and vice versa, the importation into the western transported through the interior to the eastern ports for exportation, by the system of navigable connection upon which I have spoken, and which will, by a concenive power, form as it were new hearts and new pulses for the various districts of the kingdom.

The great efforts I have made in this way upon a basis neither so explained before, nor so strikingly illustrated, will, I trust, shew to every impartial mind, that I was not superficial in my

judgment in my first views, nor inefficient in industry and research to realize them.

Perhaps there are few of any parts of the three kingdoms, which present to the geographic eye a district better adapted, from its comprehension of ports, than the inlet of the *Wash*, betwixt the *Thames* and *Humber*, than *Stamford*. It is connected with the grazing counties, and leads directly to the heart of the kingdom in the midst of the manufacturing districts. It is a line of navigable communication, neither superseding, nor anticipating endeavours to oppose progress in the undertakings which have been, or can be of avail.

I have not only, as will be seen, connected the produce of the soil of the various counties through which the line will pass, but by tables shewn the probable relation, by retrospect in prospect between their produce and traffic mutually. To this I shall presently subjoin some general details, for the commercial body and enterprising part of men. The whole will form a general view, which, with what I have already given of the corn and coal trades, shipping interests, foreign and domestic imports and exports, &c. &c. will enable the reader to make a pretty accurate estimate for himself of the probable results, after he has perused the following details as immediately interesting to the *Stamford intended Navigation*.

Not far distant from *Stamford*, and immediately

on the intended line of the Navigation, is as fine stone as any in the kingdom, fit for every useful and ornamental purpose. Very considerable quantities of this article are conveyed coastwise even from Yorkshire, and also from Portland, paying a coasting duty, which, with slate, amounted, in

1806 to	- - -	£34,719 18 8
1807 to	- - -	32,532 5 9
1808 to	- - -	32,967 12 5

SLATE is likewise here in abundance, so that very considerable quantities to the Fen countries, will be conveyed through Stamford, and the various branches eastward by means of this canal, as well as considerable quantities of such fine stone, to be conveyed no doubt coastwise.

LIME can, by means of this canal, be had in the greatest plenty, and at the most reasonable rate, to the great benefit and improvement of the low countries, where at present they have it from remote distances.

SALT will form no inconsiderable article, from the salt-works in Cheshire, when we are cut off from external supplies. By this channel our domestic produce of that article for exportation, in difficult times of war, may be very considerable; through the navigations from the westward to Hull, near 60,000 tons last year was transported: but this is casual.

Wool in considerable quantities from Leicestershire and Rutland, and along the line, will be brought,

in large quantities for Leeds, Wakefield, and that woollen manufacturing district. It will go by way of Boston, the Witham, Trent, &c. and thus avoid the trouble and expence of being landed, reweighed, &c. at the Custom-House, as is the case if transported by marine navigation.

TIMBER can be brought down from the interior for ship-building. Foreign fir, &c. in return for building, and ordinary domestic purposes.

HEMP, FLAX, and seeds, from the low countries, can be conveyed to the interior, exclusive of what may be imported by way of Boston, instead of Hull, for the same parts.

IRON, the manufacture of the western districts, can be brought to the ports and eastern interior.

WINE, SPIRITS, ale, porter, and beer.

GROCERIES, from London and Liverpool, whichever is the cheapest market, will be easily conveyed to the counties of Rutland and Leicester, and adjacent districts, where the Grand Junction and Nen do not approach.

From the manufacturing districts of the interior, of their produce or manufactures upon the line of this canal, and its collateral communications, the tonnage which may be conveyed thereon not only for domestic use in the eastern districts, but for exportation from Boston, in preference to the circuitous route by the Trent and Humber to Hull, must be considerable. That some estimate may be formed of the amount, I refer to the preceding section, where the tonnage arising from the

trade on the Trent betwixt Shardlow and Gainsborough, is found to average upwards of 7000*l.* sterling per annum, which is chiefly a precarious river navigation course,—the tonnage very low. A share of this will pass through the Stamford line, or its navigable branches.

In domestic articles of EXPORTATION it is almost impossible to enumerate the tonnage or amount correctly, being so various in denomination, and some in packages of great value and little compass; but as the importation can be more accurately ascertained, I have subjoined details under that head into Hull, Boston, and Lynn; of the principal articles only, as data upon which may be founded some calculation of that share of trade to Hull. For the interior which probably will come to Boston, both upon the Nen, as well as along Oakham, &c. the following will suffice. [*See the Table in the Appendix.*]

I shall not pretend to estimate the cost or probable expence of effecting the described intended navigable junctions, particularly as it falls within the province of a professed engineer, who will, ere long, no doubt present his report.

I shall, however, venture to speak of the probable tonnage to raise the revenue, so far as my research enables me to meet that estimate when published. The attention I have paid to the subject will, I trust, be admitted, from what I have already detailed; but a vast deal of most interesting mi-

nutiæ I have kept in re-serve till the moment arrives in which it may be expedient to discuss the topics respectively belonging to the general project.

I give it as a mere matter of opinion only, that the aggregate quantity of tonnage possible to pass and repass to and from Oakham to Stamford, and in the same manner on the Nen Junction, as well as to and from Boston and Spalding to Stamford, may, when the whole undertaking is completed, and easily practicable in the navigation; including the coal, the grain, and various other articles enumerated, contributing to the revenue, possibly amount to about 200,000 tons, at the most moderate estimate, in the first instance. This depends however so much upon circumstances, and some expedient arrangements being judiciously executed, that it is unnecessary here to point out, till the progress in the undertaking requires it.

In drawing towards a conclusion, however, I cannot resist the inclination to observe, that although I originated the design of which I have treated, and have spared no personal exertion, or individual expence, to bring the undertaking to its present advanced state; I feel no small gratification, I must own, that subscriptions for the supposed sum probably to be required for its execution, were so quickly filled up from my suggestions, without any prospectus or public statements.

What I have stated relative to the whole of the

intended *Stamford Navigation*, arises out of my own individual views and ideas, without any communication with or information from the Stamford committee upon the subject. Any error of judgment, or unintentional inaccuracy of detail, if any, must be attributed solely to myself. I therefore, upon a principle of justice, completely exonerate the other members of that committee from any imputation, which their views for the welfare of the concern might without this plain but candid declaration, be passed on them by the subscribers or others interested, in any future discussion, which, in the progress of obtaining an act, and in the execution of the concern, most probably will in the nature of things take place.

To conclude this hasty sketch, I shall presume to notice the bandied reflections, now almost become proverbial, and usually cast upon persons *projecting*, or *officially* concerned in the execution of similar public undertakings. It is fatally axiomatic in concerns plentifully gifted with returns for public benefit, and private advantage, that they are often marred, as we have but too many instances in the kingdom (and at this moment no less than three infantine public projects are so), not by the projectors themselves, but by the selfishness and narrow policy of those invited to an immediate share in the participation of interest. This is the lamentable result of a want of public guardianship being independently exercised over the views of those who look only to private emo-

lument, not from the pecuniary amount of their investiture in the concern, but frequently from the advantage to be made by it, otherwise.

As the prime mover, and special parent of this project, my utmost vigilance shall invariably continue as I trust it will be admitted, it has hitherto done, to the least apparent interference of private views in its concerns with its original intent; namely, the general benefit of Stamford and its vicinage. My personal and private attachments shall not militate against my public responsibility and duty. Feeling therefore as I do, I submit to the public the fostering care of the undertaking.

POSTSCRIPT.

I HAVE said, in a former part of this work, that through the *recusant* system pursued by the United States of America, we now act for ourselves, in opening a *primary* market for our commodities. Of this, there can be no greater proof given in confirmation, than the following statement, which is *only just now* laid before the House of Commons, and may be considered as accurate.

It will clearly be seen that this document is so far important, as that it completely bears me out in my statement of the trade and interests of the United States of America already given, (p. 11, 14, & 21.)

POSTSCRIPT.

The total real value of Exports from England to all Parts of America and the West Indies; distinguishing British Produce and Manufactures from Foreign and Colonial Merchandize, and distinguishing the United States from other Parts of America, in the Four Quarters ending the 10th of October 1806, 1807, 1808, and 1809.

	YEARS ending 10th OCTOBER			
	1806.	1807.	1808.	1809.
REAL VALUE OF BRITISH PRODUCE AND MANUFACTURES EXPORTED.				
To the United States of America	£ 11,716,620	11,119,018	5,718,611	7,067,579
To other parts of America and the West Indies	7,275,911	8,635,860	12,041,320	16,683,783
£	18,992,531	19,754,878	17,759,935	23,751,362
FOREIGN AND COLONIAL MERCHANDIZE				
To the United States of America	438,875	253,822	65,788	195,073
To other parts of America and the West Indies	690,195	600,661	877,775	1,198,179
£	1,155,370	904,553	943,563	1,643,252
TOTAL EXPORTS				
To the United States of America	12,175,595	11,472,870	5,784,403	7,262,652
To other parts of America and the West Indies	7,972,406	9,236,521	12,859,095	18,171,962
£	20,147,901	20,659,491	18,643,498	25,434,614

POSTSCRIPT.

In the same papers *just now* laid upon the table of the House of Commons, is an account, of the *real value* of the principal articles, of the produce of the *United States* of America imported into England, in the following years, ending the 10th of October in each year, *viz.*

1807	-	-	-	£.4,881,614
1808	-	-	-	2,478,532
1809	-	-	-	4,383,508

and of the *very same articles* imported from all other countries, (except the East Indies and China,)

1807	-	-	-	£.6,758,558
1808	-	-	-	4,661,951
1809	-	-	-	7,964,116

which is likewise confirmative of my former assertion, that we can be supplied with the *very same articles*, in quantities adequate to our demand, from other quarters than the *United States*, and therefore, that the longer the Americans continue aloof from amicable intercourse, the less favourable it will eventually be to their own interests.

Amongst the same statements, the following are abstracted, relative to the situation of the British trade, to the present moment, likewise bearing out my suggestions in the former part of this work, not as demonstrative of a solid increase of our national prosperity, but rather a sudden ebullition arising from the causes stated.

To this may be added, that, in consequence of

a considerable profit in the previous year on the importation of the superabundant produce of the enemy, the last year's importation has infinitely exceeded the possible domestic consumption, or foreign exportation. The consequence will be, a stagnation in our trade for a time, and domestic embarrasment.

Excepting East-India and China goods, the following is an account of the importation and exportation of Great Britain, in three quarters, each ending 10th October, in each of the following years.

Importation -

	1807s	1808	1809
Foreign and Colonial produce - - -	17,075,159	14,462,739	19,808,198
Irish produce and manufactures -	2,642,237	3,191,792	2,656,677
Total £.	19,717,396	17,654,531	22,464,875

Exportation :

Foreign and Colonial Goods - - -	7,876,768	5,970,877	11,693,178
British produce and manufactures	21,124,014	19,600,063	28,130,926
Total £.	29,000,782	25,570,940	39,824,104

APPENDIX.

MR. TELFORD'S REPORT.

TO THE

COMMITTEE, AT STAMFORD, OF THE INTENDED JUNCTION NAVIGATION COMPANY.

1810.

“HAVING, in compliance with the directions of the Committee, carefully examined the Districts of Country, extending from Stamford Westwardly to Okeham, and Eastwardly to Peterborough, Spalding, the Foss Dyke, and Boston;—I shall state my ideas with regard to the sundry Lines of Inland Navigation, which appear best calculated to promote the most perfect intercourse, and, consequently, the general prosperity of the Country.

“The whole of Leicestershire being already intersected from North to South by an Inland Navigation, and also from West to East by a Line of Canal, passing by Melton Mowbray to Okeham, in Rutlandshire, there now only remains to be considered and determined, the most advisable mode of proceeding from the last point, Eastwardly, to the Ports situated upon the great Bay or Inlet, called the Wash; and thereby opening a direct and commodious Communication with a Point on the East Coast, nearly centric between the Trent and the Thames.

"The town of Okeham, at which the last-mentioned Canal terminates, being situated upon the summit of the Ridge of Land, which occupies this part of the Country, and from which the adjacent streams have their course to the River Welland, affords an opportunity of choosing a Line of Canal, either down the River Wash, or Guash, which falls into the River Welland about a Mile and a Half below Stamford Bridge; or down the River Chater, which unites with the Welland about two Miles and a Half above Stamford.

"The River Wash, occupying the Valley nearest to the Town of Okeham, has induced Mr. Whitworth, in his Survey, to follow that Stream to its junction with the Welland; but by that Line, though sufficiently regular in its decent, being obliged to skirt the North Side of the high Ridge of Land, which lies to the North of Stamford, an awkward circuitry is created before it can reach the Town, so that the distance by the Navigation between Stamford and Okeham would be nearly nineteen Miles.

"In proceeding from the Sea-Coast to the Interior of the Country, the Vessels, navigating that Line, must either pass at the distance of about one Mile and a Half from Stamford; or, having come up to the Town, must return the same distance, along the same Line, to get into the Valley of the Wash.

"These circumstances, in my opinion, render that Line objectionable, and inferior to another Line which may be obtained by means which Mr. Whitworth has himself partially pointed out. This is by continuing the head Level from Okeham over the South Field, along the before-mentioned Line, about a Mile and a Quarter from Okeham; and from

thence, instead of locking down the Wash Valley, to continue through Egleton into Gunthorpe, and there locking down to reduce the embankment across the Wash Valley, so that the cutting through the Ridge, at Martinsthorpe, shall afford earth sufficient for its construction. This will enable the Line to be carried into the Chater Valley, without being encumbered with a Tunnel, which Mr. Whitworth, from a cursory view, apprehended necessary. The Valley between Gunthorpe and Martinsthorpe will also be a convenient place to receive the Feeder from the Reservoir proposed to be formed at Braunston.

"This Line, having crossed the Ridge at Martinsthorpe, should be locked down nearly to the bottom of the Valley of the Chater, and be carried down the North Side, to near Ketton, where, in order to avoid the Village, it should cross to the South Side of the Valley. After passing the Village, it must again be brought to the North Side, and be continued to the most favorable Point for crossing the River Welland, below where the Chater has fallen into it. After crossing the Welland, the Line should be carried along the Skirts of the Wood, as nearly as possible, in the Division between the Uplands and the Meadows, and it should fall into the River above Stamford Bridge, in the most convenient way, to enable Wharfs to be formed on each side of the River. For accomplishing this object the opportunities are ample, without interfering with Buildings. I prefer the South Bank of the River Welland, from near the junction of the Chater, because it is more favorable ground for a Canal than the North Bank, which is composed of loose Rock; and because, if the proposed Line to Harborough be executed, the last-mentioned two Miles and an Half would answer the purposes of both Navigations. The Length of the Line, between Stamford and

Okeham, as nearly as I can at present make out, would not exceed fifteen Miles, being shorter than the Line laid down by Mr. Whitworth by four Miles. Besides, that this Line arrives at Stamford, from Okeham, by a shorter distance than the other; it will be more satisfactory to the principal Land Owners in the County of Rutland; it bears more equally upon the general population of that County than the other does; and it will for ever fix, more directly, the intercourse by Inland Navigation through the Town of Stamford.

“Proceeding from Stamford towards the Sea Coast, it will be necessary to continue upon, and improve the present Navigation of the Welland to the second Lock, being a distance of about three Miles; but, from thence to the Sea, it will cost more to render the Old Navigation perfect, and acquire a proper Outlet to the Sea, than will construct an entirely new Canal Navigation to the Town of Boston.

“I am therefore of opinion, that, at or near the second Lock, a Line of Canal should depart from the North Bank of the Welland, and, passing along a Line between the Uplands and the Meadows to the Westward of Tallington, and immediately Eastward of Barholm, to the West of Kate’s Bridge,—it should enter the Car Dyke, along which it should be carried, until that ancient work approaches the South Forty-foot Drain;—and opposite Billingborough, or Horbling, and then should proceed along that excellent Drain, to the Town of Boston.

“From the Welland to Car Dyke, an entirely new Canal must be formed. Its passing, wherever it is practicable; between the Uplands and Meadows, will be favorable to the adjoining properties, and afford good ground for the ac-

cessary works. Along the Car Dyke, in many places, it has been preserved as a Drain, and will become a part of the proposed Navigation. It will then also form a more perfect boundary to the fields which have always been separated by it, and, when they are accommodated by necessary Bridges, the adjacent properties will be much improved. Along the South Forty-foot Drain, with the exception of deepening its bottom, from half a yard to two feet, and widening the Lock at Boston, to suit the breadth and draft of Vessels which navigate the Leicestershire Canals, very little more is required to render it an excellent Navigation.

“By the Canal Line being carried along the Car Dyke, it will not at all interfere with the Navigations of the Rivers Glen and Bourne, because it passes above the places where those Navigations terminate; and, as the waters of those Rivers will be passed under the Canal, no apprehensions can be entertained that their usual supplies will be lessened.

“The River Welland cannot be injured, because, during Winter and Rainy Seasons, the superabundance of Water will be more than sufficient for all purposes: and, in dry Seasons, as the Supplies of Water for this Navigation are proposed to be drawn from Reservoirs, situated near the Summits of the Country, they will be passed through Locks, in the Upper Country, which are at least double the Depth of those in the Lower Country, so that, unless there is more than double the quantity of business in the Fens, to what is carried through the Upper Country, no additional Water can be required. Besides, the Leakage from the Upper Locks will be much more than from the lower ones, consequently the Surplus Water must fall into the Welland.

“The South Forty-foot Drain, hereafter, will have no

apprehensions of too great Increase of Water in their Drain, when they consider the Interest the Canal Proprietors will have to preserve their Water, by constructing very shallow and perfect Locks, and by adding to this, the great extent of Surface each Lockfull has to spread over, and the regulation which will be constantly taking place by the Lock at Boston.

“The Conservators of the Port and Haven of Boston, besides the certain prospect they will have of increasing the prosperity of the place, must be sensible of the evident advantage of deriving additional supplies of Water to assist in scouring out and maintaining the Bed of the River between Boston and the Sea.

“The communication between Stamford and Boston, by passing along the Line of Division between the Upland and Fen Countries, where the most populous Market Towns and Villages are situated, will (exclusively of the thorough trade) be of great advantage to all the District of Country through which it passes, and afford adequate tonnage dues in return; so that, upon the whole, this appears to be an improvement which will be generally beneficial, and will interfere, as little as possible, with any established rights.

“In order to render the Inland Navigation of this District of Country, and the Connections with the Interior Districts more perfect, and to afford a fair competition of local advantages, I am of opinion that a Canal should be carried between the Welland and the Nen: and the Country appears to be particularly favorable for this junction. This Line should depart from the Welland precisely where the branch to Boston does, and in a manner similar thereto. It should be carried in a Line dividing the Upland from the

Flat Country, and terminating at or near Peterborough. By these means, the elevation would be small; and proper ground would be obtained for the Canal Works: and the Canal, being supplied with Waters, which now pass partly into the Welland, and partly into the Nen, those waters would be turned by Lockage to the respective Rivers, so as to injure neither The Country, through which the Canal would pass, is very populous, and requires this communication: and the towns, and whole population of the Valleys of the Welland and the Nen, would thereby have an opportunity afforded them to benefit by the Navigation of all the Rivers which fall into the great Bay—with the choice of such of them as should best suit their interest and conveniency.

“ Having, I trust, stated satisfactory reasons why the former surveyed Line of Canal should be abandoned, and having hitherto been enabled to recommend other Lines only from a general Inspection of the Country, the Committee will readily conceive, that, until regular and careful Surveys and Sections have been made of the new Lines, it is impossible for me to enter into a more minute detail, either with regard to the precise situation of the Lines, or the nature of the works required, or to form any correct Estimate of the Expence. But if it be judged advisable, after this general explanation, to authorise me to proceed in getting these Surveys and Sections made, no time shall be lost in performing the Service, and furnishing the Committee with all necessary data, for making an application to Parliament.

“ In the mean time, I may venture to state, that, although from the Quantity of Lockage necessary to ascend to the Canals, already made upon the Summit of the Country, the Expence of the Line from Stamford to Okeham will be fully equal to the general Advantage of Canals of similar

Dimensions; yet those from Stamford towards Boston and Peterborough, from their small Elevations—the favorable nature of the Ground—and, from having, in the South Forty-foot Drain, about fifteen Miles of Canal nearly complete, as well as great Facilities in the Car Dyke, will be greatly under the general Average of Expence; so that, upon the whole Scheme (embracing an Inland Navigation of from 60 to 70 Miles) taking into view its extensive Connections, there appears a fair Prospect of ample Remuneration for the Adventurers.

“THOMAS TELFORD.”

Stamford, 8th Jan. 1810.

Extract from Harrod's History of Stamford, published in 1785, relative to the Navigation from Stamford to Market-Deeping. Vol. ii. p. 427, and Appendix.

“IN the reign of James I. letters patent were granted by an act made in the reign of Queen Elizabeth for the making of the river Welland navigable; and in 1664, articles of agreement were made between the aldermen and burgesses of Stamford, and Daniel Wigmore, gent. concerning the making of it navigable.

“And on the 20th of September following, a lease was granted by the town to Mr. Wigmore, of the said river, for fourscore years, at the rent of twelve-pence a year, giving thereby the same privileges and liberties to him for that term of years as was before granted to them.

"This new river was completed by Mr. Wiggmore, and the lease came afterwards into the hands of Charles Halford, esq. who desired to surrender it, petitioning the corporation, that in consequence of the great expence Mr. Wiggmore had been at in finishing this undertaking, they would grant him a new one, with the power of renewing the same every fourscore years, paying them for every such lease 100*l.* which was granted. The property of the river next came into the hands of a Mr. Feast, but is now the property of Edward Buckle, esq. who applied to the corporation in 1784, for a further renewal of his lease, which hesitated in complying with his request, and consulted eminent council, who conclude their opinion thus: ' But if the corporation desire to have the opinion of the court of chancery upon the question, it may be obtained at a moderate expence, as there cannot be any disputed facts in the cause.'

"Mr. Buckley has lately granted a lease of the river to Mr. Alderman Smith, for 27 years.

"It appears to me very unjust and absurd, that any corporation should be empowered to grant perpetual leases, and deprive their successors of any advantage that might arise from the alteration of times or circumstances: the time ought at least to be limited to the longest liver of the granters.

"If corporations have the liberty of granting perpetual leases, they enjoy more power than even kings could secure, who have endeavoured in vain to bind their successors.

"The beginning of the act respecting the navigation of the river, recites, that it was granted through the petition, not only of the corporation, but of the inhabitants in

general; not only for the good of the town, but of the country also; and that the corporation were in trust for this general advantage: had his most sacred majesty imagined the corporation would have ever slighted this particular mark of royal favor, he could no doubt have given directions, in such a case, for the profits arising from the said river to be applied to the use of his heirs or successors.

"In a former history of Stamford, it is asserted that the corporation has granted a lease, with power of renewing the same every fourscore years, paying them for every such lease 100*l*. It may be asked, whence did they derive that power? even admitting that they could compel their successors to renew the lease, could they compel them to grant it on terms of their own prescribing.

"There seems to be a material difference between the giving houses, lands, &c. to a corporation for the use of a corporation alone, and the giving them *in trust*, to a corporation for theirs and the common good also, because in the former case the corporation have a right to sell or even to give away; but in the latter case, they can have no such right, because others have a share in the property; it is therefore the duty and interest of the corporation, in the latter case, to promote the common welfare."

THE NAVIGATION OF THE RIVER NEN.

THE navigation of the river Nen from Wisbeach to Northampton is $107\frac{1}{2}$ miles: This navigation is divided into three districts, or divisions—the first of which is from Peterborough to Oundle, the second from Oundle to Thrapstone, and the third from Thrapstone to Northampton. But with a view to a more accurate delineation, I have subjoined a detailed account of the locks, and their respective distances, including the tolls, from ~~Wickham~~ ^{Wisbeach} to Northampton, in that course.

The first, or eastern district, of the Nen is the sole property of Wright Thomas Squire, Esq. of Peterborough. The second, or middle district, is the property of Daniel Yorke, Esq. of Farming Woods; and the third, or western district is the property of 37 proprietors or share-holders. These latter hold 137 shares, which amount to 5,653*l.* for which they receive an annual interest of about 4 per cent.

The principal trade upon the Nen is in coal, timber, deals, iron, wine, and liquors. The tonnage or toll from Peterborough to Northampton is 6*s.* 4*d.* per ton; and on the railway thence to the Grand Junction is 1*s.* per ton. The freight cannot be accurately stated, being according to the demand

for vessels and the season of the year. The number of tons annually delivered at the wharfs from Peterborough to Northampton, including the town of Northampton, is nearly ten thousand. Upon opening a communication with the port of Boston, by a navigation from the river Welland at Stamford, to the Nen, the trade will be considerably increased on the Nen, particularly the coal-trade, as coals may be purchased at a less price at Stamford than at any port or place from whence the sea-coal used in the county of Northampton has formerly been brought.

There is a rail-road from Northampton, which joins the Nen with the Grand Junction Canal, at Blisworth, nearly five miles in length. But a canal is now going to be formed in lieu of it by the Grand Junction Company, from their canal, to join the Nen at Northampton, so that merchandise will go from and come to Stamford, in the same vessels to and from London or Birmingham.

Navigation

FROM WISBEACH TO NORTHAMPTON, AND THE GRAND JUNCTION CANAL.

	<i>Miles.</i>	<i>Pence.</i>	
From Wisbeach to			
Orton Staungh --	23	- 2	} <i>Charge per Ton or Chaldron, from the former, plus 10 Ounce, 12^d.</i>
Allwalton Lock -	28	- 2	
Waternewton ditto	30	- 2	
Wansford ditto -	34	- 2	
Yarrell Staungh -	36	- 2	
Elton Lock -	38 $\frac{1}{2}$	- 2	
Warrington Staungh	41	- 2	
Berry Lock -	44	- 2	
Catterstock Staungh	46	- 2	

	Miles.	Pence.	
To Ashton Lock -	48	3	} Charge per Ton, or Chaldron, to the latter place, 1s 6d.
Barnwell Staunch -	50		
Barnwell Lock -	53	3	
Lilford Staunch -	55½	3	
Wadnoek Lock -	57	3	
Thorp Staunch -			
Titchmarsh Lock -	62	3	}
Islip ditto -	65	3	

Dinford Lock -	6	} 1s 11d. per Ton or Chaldron
Woodford ditto -	69	
Ringstead ditto -	73	
Cotton ditto -	74	
Arleborough Staunch -	77	
Higham Lock -	79	
Ditchford Staunch -	83	
Ditchford Lock -	83	
Willingboro' Staunch -	87	}
Willingboro' Lock -	88	

Darrington Lock -	90	} 1s 5d. per Ton or Chaldron.
Hardwater ditto -	91	
Craddick ditto -	92½	
White Mills ditto -	94	
Whiston ditto -	95	
Cookney ditto -	97½	
Billing ditto -	99	
Houghton ditto -	100	
Barton Mills ditto -	101	
Abbingdon ditto -	103	
Rushmill ditto -	105	}
Northampton ditto -	107½	

Northampton to Blitworth, on the Grand Junction, is a Rail-way, about 5 miles, and 1s. per ton.

RECAPITULATION OF COST OF TONNAGE.

To Oundle -	1s. 6d.	} 7s. 4d. per ton.
Islip -	1s. 6d.	
Willingboro' -	1s. 11d.	
Northampton -	1s. 5d.	
Grand Junction -	1s. 0d.	

From Wisbeach to Peterborough is a river navigation, and no tolls, the distance 23 miles. The tide flows within ten miles of Peterborough.

The time consumed in going from Wisbeach to Northampton in ordinary periods when there are no freshes nor lack of water, is about five or six days.

The lockage, as particularised, 6s. 4d. per ton.

The freight, in ordinary times, 8s. and 9s. sometimes from 12s. to 14s. according to particular circumstances, and a sudden or great demand for craft.

A TABLE OF THE RATES OF TONNAGE, along the Canal, through Outwell, from the River Ouse to the River Nen; payable to the Wisbeach Canal Company.

	s.	d.
For every chaldron of coals	1	0
— hundred of battens	1	0
— half hundred of single deals	1	0
— quarter of a hundred of double deals	1	0
— load of fir timber of 80 cubic feet	1	0
— load of other timber of 40 cubic feet	1	0
— four packs of wool of 10 mds. each	1	0
— five quarters of oats	0	9
— five quarters of rye-grass, hay-seeds, barley-bigs, or malt	1	0
— load of turf, reed, sedge, hay, flax, or hemp, of 20 cwt.	1	0
— five hundred panicles	1	0
— one thousand flat tiles	1	0
— five hundred bricks	1	0
— twenty cubic feet of stone	1	0

For every pipe, butt, puncheon, or piece of		
wine or spirituous liquors	}	1 0
— six sacks of flour of 20 stone each	-	1 0
— five barrels of ale, beer, or porter, of		
36 gallons each	}	1 0
— chaldron of lime of 40 bushels	-	1 0
— five quarters of wheat	-	1 0
— five quarters of barley, mustard,		
hemp, rape, or linseeds, rye, pease,	}	1 6
or beans	}	
— ton of cluixh	-	0 9
— ton of all other goods	-	1 0
— vessel empty, or laden with a less bur-		
then than three tons	}	3 0
— vessel passing on a Wisbeach market-		
day and laden only with passengers		
or goods not exceeding 3 tons, going		
to or returning from Wisbeach	}	1 6
market.	}	
— chaldron of coals passing through		
the Wisbeach sluice only, and deli-	}	8 6
vered in the town of Wisbeach	}	

For all other Goods passing through the said } One Half
 sluice only, and delivered in the town } of the
 of Wisbeach } usual Rates.

red into HULL, BOSTON, LYNN, and WISBEACH,

In the Years 1792, 1800, and 1808.

	HULL			BOSTON			LYNN			WIS-BEACH.
	1792.	1800.	1809	1792	1800	1808	1792	1800	1808	1808
C.	=	=	=	=	=	=	=	=	=	=
	908	7304	—	—	—	—	—	—	—	—
	5	1934	1032	—	—	—	—	—	—	—
bez.	24,030	43,916	35,341	—	—	—	—	—	—	—
C.	280.2	2347	32.5	—	—	—	567	5095	606	—
	37005	8171	1141	—	—	—	1663	—	—	—
	1593	5516	5412	—	—	—	—	—	—	—
	214	—	—	—	—	—	—	—	—	—
	64,897	48,893	79,116	—	—	1408	2880	2880	1523	—
No	18,315	25,342	10,695	—	—	—	—	—	—	—
ons	14,212	12,400	6306	115	—	60	1120	913	131	—
	1196	505	—	15	—	—	—	—	—	—

[illegible]

*Printed by Galdwin and Marchant,
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BOOK 1st. CHAPTER THE 1st.

Introduction.

WITH regard to the ultimate incidence of taxes, there have been two Schools of political economy; the first, that of M^{re} Quesnai; the second, that of Mr. Ricardo. According to both these Schools, the exchangeable value of every commodity produced and brought to market in a society, must be composed of one or more of the following three parts, 1st. the wages of the labour, actually employed in producing and bringing it to market: 2nd, the profits of the stock so employed: 3rd, the rent of the land. The incomes of all those Members of Society, whose revenues do not compose any part of the *price, or exchangeable value*, of these commodities, must, according to both Schools, be derived from the incomes of those whose revenues do so compose it. But the first School, or that of Quesnai, held, that what the proprietors of stock in profits, and the labourers in wages, received out of the whole value, or price of the annual produce, could never be more than sufficient, to subsist themselves, and replace the stock expended or invested by them in the commodities; and, consequently, what farmers and husbandmen received out of the produce of the land, could be no more.

No third class could, therefore, possibly be subsisted out of what they received from the price or exchangeable value of commodities ; and all the other classes of society, who neither labour themselves, nor have stock employed, in producing and bringing to market, must consequently depend upon something else. But the only species of industry that added any thing to the exchangeable value of the subject upon which it was employed, over and above what was required to pay these wages and profits, was *agriculture*; as the price of its produce paid not only these wages and profits, but the rents of the landlords or proprietors of the soil.

This being found the only species of industry that paid, in the price or exchangeable value of its produce, any thing for the subsistence and provision of those, not directly or indirectly employed in it, with their labour or their stock, was by this School dignified with the name *productive* ; while the industry of all other classes was termed indiscriminately unproductive, because it did not afford any "*produit net*," like the rent of land, paid by agriculture. The price or exchangeable value of the produce of all other species of industry paid no more than the wages of the labourers, and the profits of their stock ; and these were no more than sufficient to subsist and provide for the people who received it, and to replace the stock.

Every man must depend for his *subsistence* upon the produce of agriculture, which alone furnishes him with the absolute necessities of life ; but the wages of the labourer, and the profits of the farmer,

paid out of the exchangeable value of the gross produce, are no more than sufficient to subsist and provide for them, and to replace the stock expended; and all the other classes of the society must, therefore, depend upon the "*produit net*" or net surplus produce for their subsistence; or upon that portion of the annual returns, which agricultural industry gives to the landlord in rent. Whether they should be paid what they required for their subsistence, immediately by the landlords, or should be paid by them through the medium of the Government in taxes, could make no difference in the ultimate incidence of the burthen of their subsistence upon the rent of the land-proprietors.

Doctor Smith did not, as far as regards this subject, form a second School; he admitted what the Economistes, or disciples of Quesnai, had assumed, that manufacturing and commercial industry added nothing to the exchangeable value of the subject upon which employed, but what they took in wages and profits, to subsist and provide for the labourers and proprietors of stock, and to replace the stock itself; but as this industry does add the value of what is consumed to the exchangeable value of the subject upon which employed, those engaged in it ought not, be contended, to be considered as unproductive. What they produce is at least equal to what they consume in exchangeable value; though it is not, like that produced by farmers and husbandmen, equal to something more; "and as
 "a marriage which affords three children is certainly
 "more productive than one, which affords only two,
 "so the labour of the farmers and country labourers
 "is certainly more productive than that of the Mer-

“chant and Manufacturer. The superior produce of the one class, however, does not render the other barren or unproductive.”* They all reproduce a value in exchange equal to the exchangeable value of what they consume; and ought, therefore, to be considered as productive consumers; while those only ought to be considered as unproductive, who consume without adding a value in exchange to the object upon which employed.

Wealth Doctor Smith considered to be value in exchange; and that labour as productive which added any value in exchange to the subject upon which employed;† and when his terms are taken in the sense in which he defines and uses them, he is neither inconsistent nor contradictory, as Mr. M'Culloch has supposed. The inconsistency and contradiction arises entirely from Mr. M'Culloch's not understanding the terms in the sense Doctor Smith uses them; for no one can suppose him so uncandid as intentionally to alter definitions, in order to adapt terms to opposite conclusions.‡

* Wealth of Nations, vol. 3, p. 22d, B. 4, l. 9.

† Wealth of Nations, vol. 2, p. 1.

‡ See M'Culloch's Principles of Political Economy, p. 403 to 417. The terms *fallacy*, *contradiction*, *inconsistency*, are all improperly applied to Doctor Smith's reasoning; and the passage quoted from Paley, p. 410, shows only that the labour he describes is productive according to Doctor Smith.

But Mr. M'Culloch has, throughout his books, confounded value in exchange and value in use,* and could not, therefore, understand Dr. Smith's distinction. Water is valuable in use, so are the services of a statesman, and a soldier; but water is not valuable in exchange. A diamond is valuable in exchange, but not always in use.

Though Doctor Smith extends a good deal the limits to productive labour, by the admission of those who added the amount of their wages and profits to the value in exchange of the subject upon which employed, while the Economistes admitted only such as added something more, still their great conclusion respecting the ultimate incidence of taxes remains unaffected, or rather confirmed by the admissions of Doctor Smith; and we may search the *Wealth of Nations* in vain for any arguments to prove, that all taxes are not finally incident upon the rents of land, or the *produit net* of the *Economistes*. On the contrary, Doctor Smith is sometimes led expressly to conclude, and at others to make admissions from which the conclusion is inevitable, that they are all so incident. "In all the great kingdoms of Europe, " perhaps, the greater part of the revenue of the sovereign may ultimately depend upon the produce " of the land; but that dependence is neither so immediate nor so evident."* Well might he term their doctrine "a very ingenious theory supported " by metaphysical arguments;"† for ingenious and metaphysical indeed must have been the theory, that could impose upon a mind of such extraordinary powers.‡

* *Wealth of Nations*, vol. 3. p. 105. B. 5. l. 1.

† Vol. 3. p. 263. B. 5. l. 2.

‡ Doctor Smith thought M. Quesnai, with whom he was well acquainted, "a man of the greatest modesty and simplicity; and his system of political economy with all its imperfections, the nearest approximation to the truth that had yet been published on the principles of this very important science. Doctor Smith intended to dedicate his work to him, but the death of M. Quesnai prevented him."

See Dugald Stuart's account of his life and writings. p. 57.

"We are thus led to conclude," say the Edinburgh Reviewers, "from the admissions of Doctor Smith, that all taxes are finally incident upon the net produce; and are ultimately paid by land rent, either in a diminution of the landlord's rent, or in an increase of the wages and prices, which out of his actual rent, he distributes among the other classes of the community;" and, say the same Reviewers "no tax can ultimately fall either on the wages of labour or the profits of stock; wherefore those which are levied on consumers, are all ultimately paid from rent." But the same Reviewers prove, that land is nothing but stock; and the rent of land nothing but the profits of that stock;* and taxes cannot therefore fall ultimately upon rent. They can therefore fall upon nothing, since all are agreed, that Rent, Profit, and Wages, are the only things upon which they can possibly fall. Thus England had got rid of a very inconvenient burthen, which Mr. Ricardo and his disciples have unhappily brought back, though they have very considerably placed it upon a *different set* of shoulders.

By the admissions of some philosophers others were in time enabled to annihilate the great works of the creator: an honest English Bishop,† to annihilate the material world, and believe most sincerely in the truth of his conclusions; and an English philosopher

* See Edinburgh Review, vol. 1. p. 448. vol. 4. p. 353 to 366. vol. 14. p. 54. e2

† Berkely. Our great poet Byron thought the arguments of Berkely still unrefuted. See Don Juan. Perhaps he had not read Reid, or Dugald Stewart.

and historian,* to annihilate the world of spirits, which the Bishop had left, and believe speculatively in the truth of his deductions. The works and institutions of feeble man are not calculated to resist the force of such syllogistic Euroclydons !

M. Voltaire saw the evil effects of the theory of the Economistes, with regard to the ultimate incidence of taxes, when applied to practice; but feeling that it would be more easy and more efficacious to ridicule than to refute their arguments, he embodied them in his little romance of "L'Homme aux quarante ecus." "Les nouveaux ministres disoient encore dans leur preambule, qu'on ne doit taxer que les terres, parceque tout vient de la terre, jusqu'a la pluie; et que, par consequent, il n'y a que les fruits de la terre qui doivent l'impot. Les Anglais, qui ne rient guere, se sont mis a rire quand ils ont appris que les gens d'esprit avoient propose parmi nous cette administration."

The second School of political economy, or that of Mr. Ricardo, rejected altogether from price or exchangeable value, the part which the first School had made to bear the burthen of supporting all the society, not actually employed directly or indirectly in the cultivation of the land. The exchangeable value of the produce of the land, like the exchangeable value of the produce of manufacturing and commercial industry, is according to this School, composed exclusively of the wages of the labour, and the profits of the stock, actually employed in producing and bringing

* Hume.

to market ;* and as all the society was of necessity to derive their incomes from this exchangeable value, they must all derive them in or from these wages or profits. Those who do not derive their incomes *in* the wages of labour or the profits of stock, actually employed in producing and bringing to market the enjoyments of society, whose exchangeable value is composed exclusively of these wages and profits, must necessarily derive their incomes *from* one or both of them.

But the wages of the labour employed in producing and bringing to market, can never for any considerable time together, be more than sufficient to provide with the necessaries of life the labourers who receive them. No other income can, therefore, for any considerable time together, be paid from these wages. All the incomes of the other classes of society must therefore be paid from profits, "either in a diminution of their *profits*, or in an increase of the wages and prices, which, out of their actual *profits*, they distribute among the other classes of society."

The first School threw all the burthen of our public debt, our Army, Navy, Church, Poor-rate, Bench, Bar, Physic, &c. &c. &c. upon the shoulders of a few land-proprietors ; and the second School has not only shifted off this burthen upon the shoulders of a few merchants and manufacturers, but has superadded to it that of supporting the land-proprietors

* See M'Culloch's Principles of Political Economy, 1st Edition, p. 264, 272, 282.

Ricardo, 1st Edition, p. 67, 344, 345, 349, 352.

themselves ; for if their rent forms no part of the exchangeable value of the annual returns from the land, they cannot be paid out of it, in the price. They must, therefore, be paid out of some one of the two component parts of this exchangeable value, which alone this School admits ; and as they cannot, for any considerable time together, be paid out of the wages of the labour, they must be paid out of the profits of the stock, actually employed in producing and bringing commodities to market ; and out of profits they are accordingly made to be paid by this School.

A man of forty crowns a year from stock, actually employed in producing and bringing to market the enjoyments of society, would be pillaged much more by the practical application of the theory of this second School, than the man of forty crowns a year from land actually employed to yield these enjoyments, or the materials of which they are formed, was in France by the practical application of the theory of the first School ; inasmuch as the incomes, to be paid out of profits in England, are much greater in proportion to the profits, than the incomes to be paid out of rent in France, were to the whole rent. It is the stock actually employed in producing and bringing to market in England, that the second School destines to pay all the burthens ; and this is not one-third of the whole stock on which profits or interest are paid. Our national debt is a small item of eight hundred millions for which interest is paid ; and this is employed neither in producing nor in bringing to market ; consequently the proprietors could have no share in the honor of bearing the burthen.

An honest and sensible English farmer and land-proprietor exclaimed, on the practical application of the theory of the first School by the Legislature of the time in France. "It is not difficult to conjecture what turn this policy will take in France, when we see the preposterous and pernicious doctrines of the *Œconomistes* triumphant; when the false and absurd doctrine, that all taxes ultimately fall on land, is recognized and admitted; and when we know, that a proposition for a direct land tax of twelve millions sterling was received without abhorrence."* If the doctrines of Mr. Ricardo should ever become as triumphant in England as those of M. Quesnai were in France; if it should be recognized and admitted, that all taxes fall ultimately on the profits of stock actually employed in producing and bringing to market, and a proposition for a direct profit tax of forty millions a year should be as favorably received by our Legislature, an honest English manufacturer or merchant would probably express himself in the same terms of indignation.

The talents and reputation of Mr. Mill and Mr. M'Culloch seem to the theory of Mr. Ricardo, what those of Turgot and Mirabeau were to that of Mr. Quesnai; and the theory of the second School to be as favorably received now in England, as that of the first was ever in France. Mr. Ricardo proves very satisfactorily to himself and his disciples, that all taxes must fall ultimately upon the profits of stock actually employed in producing and bringing to market; and, therefore, proposes, that all taxes shall

* Young's Travels in France, vol. 1. p. 438. Chap. 13.

be imposed directly upon these profits, in order that the miser may be made to pay in his income what he cannot be made to pay in his consumption,* Mr. M'Culloch considers the conclusion irresistible, that all taxes must fall either on these profits, or on the wages of labour actually so employed ;† and as they cannot for any considerable time together, fall upon wages, they must and do all fall upon profits;‡ but he has not ventured so far as to recommend a similar consolidation of the taxes. Mr. Mill, however, inconsistently, has ventured to think that some taxes may ultimately fall upon rent and wages. Though much might be expected from their good sense and prudence, there can be little doubt, that if England were now unhappily placed in the same situation as France was at the time Arthur Young speaks of, many a disciple of this School would be quite mad enough, to propose consolidating all taxes into one, imposed directly upon profits ; and perhaps the

* First Edition, p. 213.

† M'Culloch's *Principles of Political Economy*, p. 385.

‡ M'Culloch's *Principles of Political Economy*, p. 336 and 387.

Mr. Ricardo sometimes admits, that taxes may be incident upon rents, and property in the public funds ; but when he does so he is inconsistent with his principles ; and consequently perplexed and confused.

Mr. M'Culloch, says Doctor Smith, had no clear and accurate notions respecting the nature and causes of rent ; and the laws which govern the rate of profit ; and in consequence all that part of his work which treats of the distribution of wealth, and the principles of taxation is vitiated.

M'Culloch, p. 55. It will by and by appear, perhaps, that he had a very clear and accurate notion of rent ; and that he knew the laws which govern profits much better than Mr. Ricardo, whose whole theory is founded upon false premises.

See Review of that School.

country gentlemen would "receive such a proposition without abhorrence."

Though it is impossible that both these theories should be proved to be right, it is not only possible but very probable that both may be proved to be wrong; and some other sturdy theorist may appear to establish a reputation for *originality* in proving, to a certain circle of disciples, that not only all the burthens which the Economistes imposed upon land-proprietors, and the Ricardians have imposed upon stock-proprietors, but together with these the rents of the one and the profits of the other, are ultimately incident upon the wages of the labourers, actually employed in producing and bringing to market. A proposition to simplify our financial system, by a consolidation of all taxes into one directly imposed upon these wages would of course follow; and as it would no doubt, be received with great complacency by all land and stock-proprietors, who form a majority in our legislative assemblies, the labourers would have infinitely less chance of escape from this School than the landlords of France had from the first, or the stock-proprietors of England, from the second.

They are, however, in no danger from me: I shall endeavour to remove a part of the burthen from the shoulders of those who have hitherto been made to bear it, without any attempt to transfer it to theirs; and instead of endeavouring to establish a reputation for *originality*, in fixing this burthen upon any particular class, attempt to be useful, in making an equal distribution of it among the whole. My system of

political economy, in the branch to which it is my intention to confine it, will probably be well received, and found useful among plain practical statesmen ; but it will, perhaps, be found a good deal too simple for the Schools. To the latter I beg leave to offer a Review of the two Theories of Quesnai, and Ricardo ; to the former I offer, with deference, the system itself.

REVIEW OF THE FIRST SCHOOL.

THE School of Quesnai, or the Economistes, considered all taxes to be ultimately incident upon the rent of land, or *produit net*, of agricultural industry; because they concluded, that all that portion of society, which is not directly or indirectly employed in the cultivation of the land, and paid in the wages of labour and profits of stock, so employed, must necessarily be paid out of the rent, or net surplus produce remaining after these wages and profits have been paid. All those who have not directly or indirectly an independent claim upon the gross produce of the land, in the wages of their labour, or the profits of their stock, directly or indirectly employed in its cultivation, must depend for their subsistence upon those who command the net produce; or that portion, which is over and above what is sufficient to pay these wages and profits. Whether public establishments, and paid through the medium of Government; Church establishments, and paid immediately in tithes; Poor establishments, and paid through the medium of Parish Officers; whether merchants, manufacturers, tradesmen, lawyers, artificers, physi-

ans, &c. &c. &c. no matter, as long as their labour or their stock was not directly or indirectly employed in the cultivation of the land, and their wages and profits were not derived from that employment; their incomes must necessarily, it was said, depend upon land rent; and be paid out of that portion of the price or exchangeable value of land produce.*

The labour and stock employed directly or indirectly in the cultivation of the land, are, it is said, the only species of labour and stock employed in any society, that yield any such *produit net*, or surplus produce, for the subsistence and provision of any third class, whose labour and stock are not directly or indirectly employed in it. All the labour and stock employed in the other branches of the national industry, yield merely their wages and profits, in the price or exchangeable value of the produce brought to market; and they cannot, therefore, pay the wages of any other labour or the profits of any other stock. Such labour and stock must, consequently, be unproductive of any "*produit net*;" while the labour and stock employed directly or indirectly in the cultivation of the land are productive of a new value, or net surplus produce, sufficient to subsist and provide for all the other classes of society. This "*produit net*" is the rent of the land, which is added to the exchangeable value of the produce of agricultural industry, and paid in its price.

* Mr. Hume was one of the few writers who denied the truth of this conclusion, that all taxes were ultimately incident upon land rent.

See Essays, vol. 1, p. 302.

Warrers Hall British Public Library,
 Sir James Stewart was another. B. 3. 125. 6831 date 25.1

But it is sufficiently obvious, that had any other fund or source of the absolute necessities of life, the air, the rivers, or springs of a country been appropriated, and limited in their capacities to supply in the same manner as the land, they would have been found to yield in the price or exchangeable value of their produce the same *produit net* as rent to their proprietors.* They would yield a much greater surplus produce than the appropriated lands of a country; because all would be surplus, that was over and above what those employed in guarding them, required to breathe, and to drink; and yet no one would be disposed to consider those employed in guarding a monopolized source of the necessities of life, a very *productive* or useful class.

All those not employed in guarding such monopolized sources either directly or indirectly, would depend for subsistence upon those who commanded the surplus produce of air and water; and yet those air and water proprietors would not be considered as a very *productive* class of society. All that they could exact from the people for their air and water, over and above what they required to pay the people employed directly or indirectly in guarding the monopoly, would be as much an addition to the price or exchangeable value of air and water, as that which the proprietors of land receive in rents, for the natural and unimproved powers of the soil, is an addition to the price or exchangeable value of the produce of the land.

* This School included under the term "earth," fisheries, and mines.

Land, as a fund or source from which man is supplied with the absolute necessities of life, is peculiar only in its being commonly limited in its powers of supply within the capacities of the other funds, or sources on which the society depends ; and in its demanding the application of labour and stock, to make it yield those necessities, when the others commonly do not. Rent is the necessary consequence of appropriation ; and appropriation is the necessary consequence of its limited capacity and varying powers, after society has advanced beyond the pastoral state.* As society advances, or as numbers increase at any particular seat of demand, whether a camp, a town, a city, or a nation, recourse becomes necessary for supply to less fertile and more distant parts of this great fund ; and those parts more fertile and less distant become more and more valuable to their proprietors as sources of rent.

Mr. M'Culloch has found fault with the Quarterly Review for denominating the earth "a source of wealth;" and says it might as well be called a source of pictures and statues, because it happened to supply

* Mr. M'Culloch says P 265, that Mr. Malthus and Mr. West showed, "that rent was not, as had been commonly supposed, a consequence of land having been divided and become property ; but that it was owing to its being of limited extent, and of various degrees of fertility." But when Doctor Smith says that land pays rent according to its degree of fertility, and its distance from the seat of demand, he says the same thing. The rent is the consequence of appropriation and division ; and they are the consequences of limited extent, and degrees of fertility.

the materials of which they are formed.* Most assuredly might the earth be called the source of all the kinds and species, of which wealth is the genus; provided in the term earth be included, as, they are commonly, the sea and the mines. What can be affirmed with truth of the genus, may be with truth affirmed of the species, kinds, and individuals; and it may be truly affirmed of all the enjoyments, whose materials we derive from the earth, that the earth is their source. If Mr. M'Culloch affirms, that wealth consists exclusively of exchangeable value; and that that labour only is productive of wealth, which adds to value in exchange, he destroys at once the foundation of his own theory, by which he attempts to extend the limits of productive labour beyond the boundaries assigned by Doctor Smith.† According to his own theory a thing may be productive of utility and wealth, and be termed a source of them, though it add nothing directly to the exchangeable value of produce. The earth may be properly termed the source of wealth, though rent be not paid in the price of the commodities derived from it.

If land, like the atmosphere were unlimited in its powers of supplying the necessaries of life, we require

* Principles of Political Economy, p. 62.

The Quarterly Review has very properly used the term after Doctor Smith.

See Wealth of Nations, vol. 1. p. 419. B. 2. I. 1.

He describes the circulating capital of a nation to be withdrawn annually, to supply the enjoyments and the fixed capital; and to replace what is withdrawn for that purpose, to require continual supplies from the three sources "lands, mines, and fisheries."

See also Mr. Mill, p. 285.

† See Principles of Political Economy, p. 403 to 417.

from it, it would, like the atmosphere, remain unappropriated.* If it were limited in its powers of supply, but these powers were precisely the same in all situations, it would become appropriated, but its value, as a source of rent to the proprietors, would differ only with the advantages or disadvantages of its situation with regard to the market for its produce. As it is not only limited in its powers of supply but differs in its degrees of fertility, its value to the proprietors, as a source of rent, differs not only with its distance from the different seats of demand for its produce; but with the degrees of its fertility. Lands at the same distance from the seat of demand, and with the same facilities of conveyance to it, pay a greater rent in proportion to their greater fertility; and lands of the same degree of fertility, pay a greater rent to their proprietors, as they are nearer to the seat of the demand, or have greater facilities of conveyance to it than other lands to which the same seat of demand has recourse for supply.

Whether any rent be paid for the most distant and least fertile lands to which any particular seat of demand, at any particular time, has recourse for supply; and whether, therefore, rent forms any component part of the price, or exchangeable value, of the produce which is brought from them, is of no importance

* Mr. Malthus says, that infinite misery would be the consequence of such unlimited powers. No doubt it would; for as there is, according to his system, a constant tendency in the people, to press against the means of subsistence, if the powers of the earth to supply them, were unlimited like the air, men would press against each other, till some fell into the sea; when there would be a good deal of inconvenience as well among those who stood as those who fell.

whatever to any thing but the Ricardo theory of profits and wages. It is abundantly manifest, that rent when paid by the farmer for the nearer and more fertile lands, is paid out of the price he receives for the produce of these lands; and that it must, therefore, form a component part of the price or exchangeable value of that produce. Whether it is or is not a part of the exchangeable value of the particular produce which is drawn from the very poorest and most distant land, to which any seat of demand has, at any particular time, recourse for supply, or not,* it is sufficiently evident, that rent forms a component part of the price paid for the greater part of the produce derived from the land; since price is the only medium through which it is paid.

Supposing that man enjoyed nothing but the simple necessities of life, and that of all the funds or sources from which these necessities are derived, land were the only one appropriated, there could be little doubt that the expense of supporting every man might be fairly considered as ultimately incident upon those who were permitted to appropriate it.* Those who laboured, and those who had stock employed, directly or indirectly, in its cultivation, would have an independent claim upon that portion of the annual returns, which they drew for their subsistence in wages and profits; the proprietors of the land would depend as much upon the application of their labour and stock to the soil for his rent, as they depended upon his permission to cultivate, for their wages and profits. But no other part of the society

* Exceptions even to this will be noticed by and by.

could have such an independent claim upon the annual returns. They must all necessarily depend, for their subsistence, upon the proprietors of the soil, who would command all the annual returns surplus to what subsisted those directly or indirectly employed in its cultivation.

Before industry extends beyond agriculture, those who depend upon the *produit net*, or the surplus produce of the landlords, for their subsistence, have nothing to offer as an equivalent but their prayers and their services; and in such early stages of society, those who subsist upon the surplus produce are commonly divided into military and church establishments. No one can have an independent claim upon the proprietor of the soil for a portion of their surplus produce, while no one can possibly exist without it. A portion of the society, equal to what this surplus will subsist, is, therefore, dependent upon them; but there is almost always an authority in the society, even in this early stage, either self-created, or constituted by common consent, that is paramount to that of the proprietors of the soil; and this authority has the privilege of disposing of a certain portion of this surplus produce for the common benefit of the whole. The Government then becomes the medium of distributing a certain portion of the surplus produce, to its church, military, and other public establishments; and what it requires for this purpose it levies in taxes.

These taxes must, however, in such a state of society, be of necessity incident upon the proprietors of the soil, if the soil be all private property; whether

they be imposed upon the land, or fund itself ; upon the instruments in men and stock, employed to cultivate it ; upon the produce after it comes from that fund, or in a capitation tax upon those who consume it, or upon the proprietors themselves.

In such an early state of society, before industry has extended beyond the cultivation of the soil, and while the enjoyments of man are confined to the simple necessities of life, as the other funds or sources of subsistence are left a common property, all those who subsist upon the surplus produce of agriculture, that is, all those not employed directly or indirectly in the cultivation of the land, are left dependent upon the proprietors of the land, or upon that authority which is constituted paramount to these. In the kingdom of Peru, when invaded by the Spaniards, the sovereign had become the medium of distributing nearly all the surplus produce of the land ; and consequently, the sole land-proprietor. Peru therefore, exhibited a rude picture of Egypt, Persia, India,* and China. So also did Congo, when discovered by the Portuguese. In the kingdom of Mexico, on the contrary, the surplus produce of the land was almost all distributed through the great feudal chiefs, or territorial lords ; and Mexico exhibited a rude picture of Europe, before the establishment and after the downfall of the Roman empire.

* India it should be observed was like Mexico, a feudal nation, before the Mahomedans invaded it. It was the tendency of their Government, like that of our own, to alter this state ; and India is now something like Peru. The feudal system of India will be considered in another chapter ; and in the meantime I beg to refer the reader to Mr. Andrew Sterling's excellent paper upon Cuttack in the last number of the Asiatic Researches.

All the annual returns from the land which is over and above what is sufficient, to pay the wages of the labour, and the profits of the stock directly or indirectly employed in its cultivation, is surplus produce ; and all those who are not or have not stock so employed, are dependent upon and subsisted by the Government and the land-proprietors. In such early stages of society the greater part of the stock employed in producing and distributing the fruits of the earth, commonly belongs to the Government or to the proprietors of the soil ; and, consequently, the whole of the annual produce, or nearly the whole, that is over and above what is required to pay the wages of labour, is left at their disposal. The great works of Egypt for irrigating the lands, and facilitating the distribution of the produce, were formed by the revenues of the sovereign, like the roads and granaries of Peru ; and the labour saved by them in distribution, or added by the increased powers of production given to the soil, augmented the mass left at their disposal ; since they conveyed to no individual an independent claim upon the annual returns.

While the sovereign in such early stages of society, commonly forms out of the portion of the surplus produce which he distributes, all those works of great and general utility, which augment the produce of the land by irrigation, and facilitate its distribution, in canals, roads, bridges, &c. &c. the proprietors of the land form out of that portion which they distribute, all those of local advantage ; and commonly supply the moveable stock required in cultivation. When Pharaoh had purchased all the lands of Egypt, his people had nothing left to sell but their ploughs,

and their bullocks; and when he had purchased these he had nothing to pay out of all the gross produce of the land, but the wages of the cultivator.*

Under such circumstances his settlement was extremely liberal; and those with whom it was made, paying only one-fifth of the produce, would soon have had a considerable portion of surplus at their disposal, and become proprietors, rich in proportion to the extent and fertility of their estates.† But it must have been very unequal, as it took the same portion from all lands, without regard to the fertility; and if measured in money, the same money-rent from all land without regard to their distance from the seat of demand for their produce. The lands of Egypt were, however, not perhaps very different in their productive powers, when all equally supplied with the fertilizing waters of the Nile, and the disadvantages of distance from the seats of demand were diminished by the great facilities of distribution formed by the sovereign.‡

* See Genesis, Chap. 47th.

† This settlement was intended to be permanent; and it probably lasted as long as most settlements of that kind do. How often have the lands of every European nation even changed hands in a century or two.

‡ See Young's Travels in France, Vol. I, p. 323, 356.

Young rates the seed-wheat in France at 153 pounds or 2 and $\frac{1}{2}$ bushels the acre, nearly the same as in England. The returns in France at an average of six times the seed; or wheat and rye 18 bushels the acre.

In England the returns are rated at an average of 8, or 24 bushels the acre. Taking in the advantages of better spring corn, he considers that the returns per acre in England are to those of France as 28 bushels to 18 per acre.

In 1822 estimates furnished to Parliament gave to the best lands under tillage in England from 36 to 40 bushels; and to the worst from 8 to 10 per acre.

In such early states of society that portion of the annual produce, which is required for the support of public establishments, is sometimes drawn and distributed through the medium of Government; and sometimes it is paid immediately by the land-proprietors to those establishments, which are furnished with an assignment upon the lands for that purpose. But whether paid immediately by the land-proprietors, or through the medium of Government, is of little or no importance to those proprietors. It is a certain portion of the produce of the land taken from their disposal; and all those subsisted upon it are a certain portion of the society removed from their command, and placed at the disposal of the sovereign. All taxes, tithes, poor-rates, &c. &c. in such a society might, therefore, be considered as a burthen upon the land-proprietors; because they deprive them of the disposal of as much produce as they take, and of the command of as many people as that produce subsists; since if no taxes, tithes, poor-rates, &c. &c. were taken, they would dispose of the whole of the produce, and command the whole of the people.

But if the whole of the people, or the Government constituted by the whole of the people, were to appropriate any other fund equally essential to their

Sonnini rated the produce of the lands of Egypt at from 25 to 30 returns of the seed, on an average of a whole district.

In India I rate the seed from the best of all grounds, personal inspection and measurement, at 144 pounds of wheat per acre; and the returns at from 4 to 30, or even 40, where the lands are irrigated, as they were in Egypt. The returns from the very same land will descend from 30 to 4, as the soil becomes exhausted by tillage.

subsistence, they would thereby reduce landlords to a state of mutual dependence. The society would depend upon the proprietors of such a fund for that portion of their subsistence which they required from it; either directly, or indirectly, through the medium of the Government; just in the same manner as they depend directly or indirectly upon land-proprietors, for that portion of their subsistence which they require from the soil. The land is more commonly appropriated than any other fund or source of the necessities of life, because it is more adapted to appropriation; and it pays a rent to individuals, because individuals appropriate it.

Among nations in the pastoral state, or those which have made but little advances in the agricultural, all the funds of the absolute necessities of life are generally considered a common or public property; and in such states men are commonly found as jealous of their right, to draw from them what their wants or their convenience requires, as in a more advanced state they are of their private and exclusive rights in them. Thus among the Arabs, before their conquests extended over the more advanced nations of the Roman and Persian empires, all these funds were declared, as well by their new legislator, as by their ancient laws, to be a common and public property; the pasture lands, and salt-pits, no less than the sea, the air, the rivers, and the lakes;* and it was considered criminal in a prince or chief of a tribe, to have an exclusive pasture meadow, even in the vicinity of his dwelling. It was urged as a reproach against

* See *Miscat-ul-Musabih*, B. 6. L. 7. B. 12, L. 15.

Othman, the third sovereign in succession to Mahomud, that he had given to a favorite the spoils due to the soldiers, and appropriated to himself pasture lands, which ought according to the laws, all to be left a common and public property.*

Among them, as among the ancient Germans, the investment of property and labour in fixed stock, such as a dwelling house or wall-enclosure, gave an exclusive right of property in small spaces of land, either by common consent, or by recognized authority;† but all the rest was left a common property. But as these people, the Arabs and the Germans, extended their conquests over countries more advanced, whose population was more dense, and whose industry was more extended, the funds whose boundaries were determinable, and whose powers of supply were limited, became a private property among them as they had been among the vanquished people. The little enclosures of the Arabs, like the *Salpacs* of the Germans, swelled into large estates of allodial property. Lands, salt-pits, mines, and springs, all became private property; and the codes of the

واعطيت مروان خمس العباد ظلما لهم وحيث الجي *

See Abul Feda's Annals.

† This little enclosure was an inviolable property among the Arabs, as among the Germans. They were the *salic lauds* of the Germans. "Vicos locant, non in nostrum morem connexis and cohaerentibus aedificiis; suam quisque domum spatio circumdat."

Tacitus de Mor. Germ.

See Esprit des loix, B. 18, l. 22.

These small enclosures were denominated by the Germans in their native words *Salpacs*, from *Sala*, a house.

See Puther's German Empire.—Blackstone's Commentaries.

barbarians, like those of the Romans, left only, as "res communes," the air, the flowing waters, the sea, and the shore as far as "the winter waves might reach."*

Springs, and streams, of pure and wholesome water have been appropriated while land has been left a common property.† "It may, says Hume, "happen in some countries at some periods, that "there be established a property in water, none in "land; if the latter be in greater abundance than "can be used by the inhabitants, and the former "be found with difficulty and in very small quantities."‡ In England and other countries, where men may draw to an unlimited extent for pure water, no man derives much value from or attributes much to a spring; but in other parts of the world the proprietor of a spring of wholesome water has been found to have the most valuable species of property in the country.§ In such places water, always valuable in use, may become extremely valuable in exchange; and the price paid for it, like that paid in other countries for land produce, will, over and above the expenses incurred in bringing it to market,

* *Elementa Juris civilis*, Lib. 2. Tit. 1st.

† Perhaps a spring of good water discovered in the Island of Bermuda would be more valuable to a proprietor than a large estate in land.

‡ *Essays*, vol. 2d. p. 217.

§ In Piedmont and the Milanese he who discovers a new spring is at liberty to conduct the waters to what lands he pleases, paying a fixed compensation for cutting through the properties of others; and in these and other states of Italy, the sovereign is the proprietor of all the rivers.

Young's *Travels in France and Italy*, vol. 2. p. 177.

in the wages of labour and the profits of stock, yield a rent to the proprietor.

The two springs which furnished the ancient city of Palmyra with the only pure and wholesome water to be found in that arid waste, in which it was situated,* were no doubt, if appropriated, the most valuable property that a citizen possessed or could possess. Indeed a very ingenious traveller, while he justly attributes the wealth of that state to the situation of the city, as an entrepot for the Indian trade, considers that this situation was rendered available only by these two springs. "Les deux sources d'eau douce que son sol possede, furent surtout un attrait puissant d'habitation dans ce desert aride et sec par tout ailleurs.†

The value of such a spring is proverbial in some parts of the east;‡ and we find a female relative of the Khalif Mawecut, borrowing a thousand dinars from that sovereign to purchase one. By the code of Zoroaster, a criminal might expiate his crime by

* Wood says these little streams once so valuable are now entirely neglected. The water appeared to him to be warm and sulphurous; but the people still considered it agreeable and salubrious. By an inscription upon an altar they learnt, that the care of them was entrusted to officers elected for the purpose. They had been conducted through the city by works under ground, which were repaired by Justinian for the Roman Garrison, but are now neglected.

† Volneys Travels in Syria, chap. 30.

‡ خبر المال عين خبارة في ارض خوارة

A fine property. "Fons murmurans in terra molli." Abul Feda's Annals, vol. 1, p. 380.

giving to an honest man streams of flowing water of a determinate size, and depth;* and the rivers and streams of modern Italy, available for purposes of irrigation, are appropriated by the sovereign or by individuals; as were those of ancient Egypt and Persia. We are told by Polybius, that the Persians gave to those who conducted a stream of water to lands that had not before been irrigated, the free inheritance of the soil so watered by them, for five generations; and that the people were thus stimulated to bring water from the distant mountains by subterranean channels, totally unknown in his day, even to those who still enjoyed the advantages of the waters.† By these springs and streams the powers of the earth were made available; and a dreary arid waste converted into a fruitful and populous country.

Had these springs been, as no doubt many of them were, conducted by people who had no right of property in the soil they irrigated, they would necessarily have given to their proprietors an independent claim of no small magnitude upon the annual returns from the land, whose powers of fertility they developed and improved, or alone made available in tillage; and the incomes derived by the proprietors would have been an independent claim upon the pro-

* M. de Castorel, p. 83.

† See General History, Book 10.

Montesquieu quotes this passage from Polybius, as importing, that the Persian sovereigns gave the benefit or the monopoly of the springs, instead of the inheritance of the land.

Esprit des loix, B. 8. l. 7.

duce of the land.* Had they disposed of these streams after conducting them to the lands, to the sovereign, for an annuity, to be paid by a tax upon the lands; they could with as little justice be considered as a burthen upon the land-proprietors; and if Government had taxed the annuities it gave to the proprietors of the springs, that tax could not have been incident upon the rent of the land-proprietors. The claim of the proprietors of springs upon the lands they enriched with their waters, either immediately or through the medium of the Government, would have been independent of the proprietors; and a tax upon it would have been a tax upon an independent income.

Other men might, even in this early stage of society, in which I have supposed industry to be confined to the cultivation of the land, and the distribution of its produce; and the enjoyments of man to the fruits of the earth in their rude state, acquire an independent claim upon the annual returns from the land, by the formation of great and useful works, to facilitate the distribution. Some might form navigable canals, others build bridges, others form roads. The claims acquired by the formation of these works, would be enforced through the medium of a duty, imposed upon the produce distributed by their means; and as this claim would be independent, a tax imposed upon the income derived from the duty, would be a tax incident upon an independent income.

* "The cultivators of the land in Persia who have more water than they require, dispose of it to great advantage." Scott Waring's Tour to Sheeraz.

Works for irrigation increase the quantity of the necessities of life, derived from the land; and as there is always a tendency in population to augment in proportion as these necessities increase, they increase the number of people. But more are not required, in proportion to this increase, to apply their powers as instruments in the cultivation of the soil; as the water conveyed in such works, act as a powerful instrument in improving and developing the natural powers of soils already in tillage; and in rendering available the natural powers of such as were before uncultivable. More men may be employed in cultivation after such useful works are formed; but the increase of produce and of the people subsisted upon it is in much greater proportion. More men are therefore left at the disposal of some one; and they can be at the disposal of only three. The sovereign, the proprietor of the lands, or those who form these works. The last claims their services, and the subsistence they require; and his claim must be recognized as just and independent. He enforces his claim upon the annual returns through the medium of a duty upon the water, as it passes to the lands, or upon the lands as they are irrigated by it; and a tax imposed upon his income, would be a tax upon an independent income.*

* "Water gives many other things besides humidity; it manures, consolidates, and deepens the staple or surface mould, and guards against cold; effects as obvious in a northern as a southern climate. But under a hot sun, and in a dry climate, sandy or stony soils yield, comparatively speaking, nothing; but when watered they become clothed with the richest verdure, and yield the finest crops."

Arthur Young's Travels in France, vol. 1. p. 332.

Works for facilitating the distribution of produce do not directly or necessarily augment the annual returns from the soil; and consequently do not necessarily augment the population. But of the actual population they render the application of less numbers necessary, as instruments for the distribution of the actual produce. The numbers relieved from this duty or employment, are at the service of some one or other of those who command the surplus produce; who in such a state of society are the sovereign, the land-proprietors, the proprietors of works for irrigation, and those by whom the works for distribution are formed. The last of these has, unquestionably, a just and independent claim upon their services; and the subsistence required for their support. It is by him that their industry, as an instrument, has been set free from the employment of distribution; and to the labour set free by him he has the most just and independent claim. This claim he enforces by a duty; and a tax imposed upon the income derived from this duty, would be a tax upon an independent income, and not of necessity incident upon land-proprietors.

It will be useful here to remark, though the subject will be treated more at large in another part of the work, that the labourers set free from the employment of distribution, and those added to the mass of the people by works for irrigation, without being required in tillage, have no independent claim upon what they require for subsistence from the land. They require for subsistence the simple necessities of life from those who command the surplus produce; and in return they offer their services. But they have nothing else to offer; and if those who

command the surplus produce will not accept and employ them, they must beg, rob, or starve. Surplus produce for their subsistence may be abundant, but if those who command it will not give it without an equivalent different from that which alone they can offer, the use of their physical and mental powers, they may starve.*

All the claims I have supposed to be acquired by the formation of works for irrigation and distribution in this state of society, are manifestly independent; and cannot be considered as a burthen upon the proprietors of the soil; nor could a tax imposed upon the incomes arising from them be considered as so incident. This tax would be the medium of taking from those by whom the works were formed, a certain number of the people, whose services and subsistence these works gave them, and placing them at the disposal of the sovereign, for public purposes.

All such claims might be transferred to the Government for equivalent annuities, to be paid out of taxes, imposed in the same manner as the private duties had been; but such taxes could not justly be considered as a burthen incident upon the rents of the landlord.

* In India this reasoning will be found of vast practical importance, because such works are for the most part formed either by the land-proprietors themselves, or by people who found no claim upon them. If those on whom they are left to depend will not employ them honestly, they must subsist by dishonest means.

This subject will be treated in another place.

• See Malthus on Political Economy, p. 511-477.

But if in this early stage of society, land-proprietors should themselves form and maintain all these works, to increase produce and facilitate its distribution ; and the earth should remain the only fund or source of the necessities of life appropriated, no independent claims upon them could be acquired by any other class ; and the whole society must remain dependent upon them for an indispensable part of their subsistence.* This dependence, however, would be merely the consequence of appropriation, which would be the consequence of the limited extent and powers of the fund ; and the same consequence would follow the appropriation of any other fund or source of the necessities of life ; air, water, &c. The German Prince, who monopolized his atmosphere, by imposing a tax on breathing in it, reduced his people to as complete a dependence upon him, as the Peruvian, Indian, or Egyptian Prince, who monopolized his land.

It would be great folly to suppose, that an atmosphere was more productive of the necessities we require from it, because it happened to be appropriated, and thereby to yield or produce a value in exchange ; and it would be equally so, to suppose, that a Government which monopolized the sea, and added the profits of the monopoly to the exchangeable value of the salt and fish it produced, rendered that sea more productive of these necessities than any other sea. It would be no less folly to suppose, that the labour employed in guarding the monopo-

* I shall have occasion to refer to this conclusion in a subsequent chapter ; and it will be found of great practical importance in our Indian administration.

lized atmosphere and sea, or the labour and the stock employed in making salt and taking fish in such a sea, was more productive of necessities and enjoyments than any other. The stock and the labour employed in taking fish and manufacturing salt in the unappropriated sea, would be just as productive of fish and salt as those employed in the appropriated sea ; but the latter would produce a value in exchange which the former would not ; and this value would be paid in the price.

The labour and the stock employed in a monopolized sea, produces what the labour and stock in an unappropriated sea does not, a value in exchange, added to the produce ; which value must be paid in the price ; but this labour and stock do not thereby produce more of the necessities and enjoyments, or fish and salt, derived from the fund ; nor do they add any thing to their utility, or value in use. They exchange for more, but the fish and salt do not furnish more subsistence or enjoyment to those who consume them, than the fish and salt of any other sea.

The powers of nature could not be altered by the mere act of appropriation : the atmosphere left free would contain as much vital air as the atmosphere monopolized by the imposition of a tax. The sea left free would yield just as much fish and salt as the sea appropriated. Appropriation, monopolies, taxes, and duties, all add to value in exchange, and to price ; but they are neither of them considered to be very efficient instruments in adding to the quantity of our necessities and enjoyments, or to their utility or value in use ! They neither of them augment

the powers and efficiency of the funds and instruments to which they are applied, nor do they add to the quantity or utility of the enjoyments or necessities upon which they are imposed. Still they produce a value in exchange, which is added to the price, over and above what is required, to pay the wages of the labour and the profits of stock actually employed in producing and bringing these necessities and enjoyments to market. They are therefore productive in this sense; and in this sense the tax gatherer is as productive as the monopolist; and the monopolist as the landlord.

It was in this sense that the *economists* made agricultural labour the only productive labour; but in this they were not correct, because tax gatherers, monopolists, and patentees, were equally productive. It was in this sense that Doctor Smith, admitted agricultural labour to be more productive than that of manufactures and commerce. They were more productive of value in exchange and value in exchange was wealth; they were, therefore, more productive of wealth. The value in exchange of any thing is what that thing will purchase or command; and that labour was productive which could add any thing of this value to the object upon which employed. The labour employed in producing and bringing to market from a fund that paid rent, taxes, tithes, poor-rates, &c. other things equal, would give more of this value to the object upon which employed, than the labour employed in producing and bringing to market from a fund that paid neither; because they would enter into the price or exchangeable value of the produce of the one, and not into that of the other. In this sense the labour

and stock employed in producing and bringing to any particular seat of demand, the produce of nearer and more fertile lands, will be more productive than that employed in producing and bringing to the same seat of demand, the produce of more distant and less fertile land; because, while the price is the same, a greater portion of that price goes to rent, or *produit net*. The same may be said of appropriated mines, fisheries, &c. &c. as the rent of all appropriated funds is regulated by the same principles.

That the taxes and profits of monopoly enter into the price or exchangeable value of our manufactured enjoyments, and foreign luxuries, can hardly be disputed, except by a few closet reasoners, to establish a favorite conclusion; and that the labour and stock employed in preparing and bringing them to market must, therefore, reproduce a value in exchange equal to those taxes and profits, over and above the wages of that labour and the profits of that stock, must follow as a necessary consequence. “Labourers
“and labouring cattle employed in agriculture, not
“only occasion, like the workmen in manufactures,
“the reproduction of a *value* equal to their own consumption, or to the capital which employs them,
“together with its owner’s profits, but of a much
“greater *value*. Over and above the capital of the
“former and all its profits they regularly occasion
“the reproduction of the rent of the landlord. This
“rent may be considered as the *produce* of those
“powers of nature which the landlords lend to the
“farmers.”*

* *Wealth of Nations*, B. 2, l. 5. vol. 3, p. 53.

In the same sense the taxes upon manufactures may be considered as the produce of those powers of nature which Governments lend to the manufacturer; and the profits upon the monopolies of salt, as the produce of those powers of nature in the sea which Governments lend to the salt-makers. The powers of the funds and instruments to produce these things, are not increased by the taxes and monopolies; nor are their qualities in use and enjoyment improved; but their exchangeable value is augmented, and their price increased. The errors arise from changing the sense in which the terms are used without changing the terms themselves; and affirming of the term in one sense, what can be with truth affirmed of it only in another. This is the great source of error and perplexity in this science; and its practical importance has thereby been almost entirely destroyed of late years.*

* The term capital, in the 2d chapter, will be shown to be more productive of error than the term value.

The term value is used by Doctor Smith, in four senses:

1st.—Value in use;

2d.—Value in exchange.

3d.—Value in esteem.

4th.—Real value.

It is only when he uses the term without the adjective, that he can be misunderstood. He says water is extremely valuable in use, but has no value in exchange. A Diamond has much value in exchange, but very little in use.

Wealth of Nations, vol. I, p. 42.

An old and faithful Horse or Dog may be very valuable in esteem, but have neither value in use nor exchange.

Mr. M'Culloch confounds value in use and value in exchange throughout his book; and I believe intends that they shall be understood to mean the same thing. This is to be regretted, as it leads to confusion, embarrassment, and error; for by confounding them in his own writings he does not always perceive their distinction in those of others.

Mr. Malthus has fallen into the same error of supposing, that agricultural labour is more productive of what we require from it for our use and enjoyment than any other species of labour, because it affords a rent to the landlord ; and that its capacity to pay this rent must be chiefly or solely attributed to some peculiar powers in the soil, the gifts of nature to man. These peculiar powers in the soil, which enable it to maintain more persons than are employed to work it, are, he supposes the source of rent ; and other things do not pay rent, because they have not these peculiar powers. But the other funds or sources of our subsistence and enjoyments have the same powers : the springs and rivers supply with water more men than are employed upon them : the sea and salt-pits supply more men with that essential article than are employed to manufacture it. Do one nation's atmosphere and sea supply more vital air and salt than those of another, because they happen to be appropriated or monopolized ? Are not the sea and the atmosphere of a prince, who is graciously pleased to leave them free to his subjects, as replete with the powers of supplying us with air to breath, and salt to use, as those of another, who is graciously pleased to monopolize or appropriate them ? Mr. Malthus is one of the most amiable men and candid writers of his age ; and I should be very sorry to misunderstand him. *

This subject will be treated more fully in the Review of the Second School.

4th Real value of course means the quantity of labour invested in a thing.

*.See Principles of Political Economy, p. 140, 142, 149, 151, 227.

Whenever any fund or source from which we derive the necessities of life, or its enjoyments, is appropriated, whether the earth, the mines, the springs, salt-pits, sea, or air, they must pay a rent, or the property is unprofitable to the proprietor ; and this rent, or whatever other denomination we may choose to give it, must be paid in the price of the necessities or enjoyments we derive from it. Among nations on their first emerging from their pastoral and wandering state, land becomes appropriated and made to pay a rent in some form or another. "Men" as Doctor Johnson has observed, "if they are not social "are at least gregarious ;" and when they cease to wander over the unappropriated waste, their encampments, their villages, their towns, and their cities, become seats of demand for the produce of lands beyond their immediate vicinity.

The lands in the immediate vicinity become more valuable to their proprietors as sources of rent, in proportion to their fertility ; and those more remote become more valuable as still more distant are had recourse to for supply. Land of the same degree of fertility will give, as surplus produce or rent to the proprietor, the same portion of the annual returns from the labour and stock applied to their cultivation ; but the price of the returns from all being the same in the same seat of the demand, and this price increasing as more and more distant lands are had recourse to for supply, and greater costs are incurred in bringing that supply to market, more and more rents are paid to the proprietors of the nearer lands. As recourse is had to more distant lands, those less fertile but nearer to the seat of the demand are

brought into tillage ; and poor lands in the vicinity pay as much rent to their proprietors, as the richest lands at a distance.

Every seat of demand, when it becomes fixed, must from its earliest establishment have recourse to more distant and less fertile lands, as its population and demand increases ; and as it does so, the price of produce increases ; and with this increase the rents of the proprietors of the nearer and more fertile lands augment. It has been said "that in New Holland, " where there is an ample supply of fertile and unappropriated lands, it is certain that until the best " lands are all cultivated rent will never be heard " of."* But what is here assumed as certain will, I believe, be found contrary to the fact ; and that rents are now paid for very poor lands near the different establishments or seats of demand, while much very rich land at a distance from them remains waste and unappropriated.

On the first establishment of such seats of demand, other things equal, the most fertile parts are commonly selected ; and the most fertile portions of these parts are first appropriated, either by common consent or by recognized authority ; but as these seats augment in population recourse becomes necessary to more distant and less fertile. The costs of supply from the poorest and most distant, to which recourse is at any time had for supply, must be paid in the price of the produce brought to these seats ;

* McCulloch's Principles of Political Economy, p. 292 .

• The author, I believe, intends to be understood to mean by the best the most fertile lands. It is in this sense I understand him.

and the produce of those less distant and more fertile selling at the same rate, they pay a greater and a greater rent. Seeing that land thus almost universally paid a rent in some shape or other, people were led to believe, that it could arise only from some powers peculiar to the soil ; that these powers alone could enable it to yield to the stock and labour applied to its cultivation, this new value in exchange, *the source of the wealth of every nation.*

“ It is,” says Doctor Smith, “ the produce of the land which draws the fish from the waters ; and it is the produce of the surface of the earth which extracts its minerals from its bowels.” But the surface of the earth is scarcely less dependent upon the waters and the mines, than the waters and the mines are upon the surface of the earth. Without the waters of the Nile what would the lands of Egypt have yielded to the Pharaohs, and the Ptolemies ; and without the rains from the clouds and the metals from the mines, what would the soil of England now yield to us ; and without the atmosphere and the source of light, what would the surface of the earth yield to the labours of man in any part of the world ; or in what part of the world could he labour ?

All the funds or sources of subsistence are alike essential to man ; and he could no more live without air, water, and salt, than without corn, herbs, and cattle. Limits placed to the powers of supplying what we require from any one of them, must necessarily limit the increase of those who depend upon it for their supply. Confine a man in a space that will contain respirable air enough for only ten days, and

give him a year's supply of land produce, he will only live ten days. Give him water enough to support him only ten days, and furnish him with air and corn enough for ten months, he will live only ten days.

Land is not more necessary to man because it happens to be limited in its powers of fertility, and extent of surface: they are all equally necessary to our well being; but land being commonly limited in its powers of supply within the capacities of the other funds, and being more adapted to appropriation, it is more commonly appropriated.

Let us suppose that the powers of springs to supply water were limited in the same manner; that the ancient city of Palmyra, for instance, had in its centre one spring, which in an early stage of its rise, supplied water sufficient for the people; that at a distance of ten miles from the city another was to be found, capable of supplying precisely the same quantity of water of the same quality; and that at every stage of ten miles, between that city and the Euphrates, a similar spring was available. When by the increase of population, the central spring should have been found incapable of supplying the demand for water, recourse would of course have been had to that situated at ten miles distance; and the price of water in the city being at least equal to the costs of conveying this water ten miles, the proprietor of the central spring would receive a rent equal to the cost of bringing as much water as his spring would supply, ten miles. If this spring at ten miles distance from the city had before paid a rent to its proprietor, being available there for the purpose of watering cat-

tle, irrigating lands, &c. &c. this rent he would of course have when converted to the purpose of supplying water to the people of the city, or he would not allow it to be so converted. This rent would be added to the costs of the supply, and paid in the price by those who used or enjoyed the water; and the spring in the city would pay a rent equal to this, over and above the same equal to the cost of conveyance.

As the population increased recourse would be had to the springs situated at the more distant stages; and the rent of those nearer would increase in proportion to the increased costs of conveyance to the great seat of demand; till they approached the bank of the Euphrates, whose powers of supply being unlimited, would render a recourse to a more distant fund or source of supply unnecessary. The costs of supplying this water from the most distant springs to which recourse became from time to time necessary, must have been paid in the price; and as these costs increased the price of water must have increased. As in all other things, the increasing demand would cause the increased supply through the medium of an increased price; and the increase of price would have preceded the recourse to more distant springs, and increased costs of supply. The demand regulates the distance to which recourse shall be had for supply; and effects the supply through the medium of an increased price. But no increase of costs in the supply of water from the nearer springs would take place; and their rents would increase with the increase of price. Rent might or might not form a component part of the price of the water from the most distant springs, as they were or were not avail-

able and profitable in other purposes ; but it would necessarily form a part of that brought to the seat of the demand from the nearer. The productive powers of these springs would not, however, be increased. The same quantity of water, of the same precise quality, and therefore value in use, would be yielded by them ; but its value in exchange and price would be increased, and the rent of the proprietors would increase in proportion.

Let us further suppose, that there had been in the vicinity of the city another spring, which, by digging to a considerable depth, might have been made to supply as much water as the central spring supplied without any digging at all. If the costs of digging and maintaining the well were less than those of bringing the water ten miles, when recourse became necessary to a second spring, and the necessity became indicated by the rise of price, it would be had to this deeper one near the city, before it would be had to the open one at the distance of ten miles. As long as recourse is necessary to more deep and distant springs, the price will necessarily increase, so as to pay the costs of bringing the supplies to the seat of the demand ; and as this price increases those less deep and nearer become more and more valuable, and pay a higher rent to their proprietors. Rent might or might not be paid for the deepest and most distant, to which that seat had recourse at any particular time ; and might or might not form a component part of the price of the water derived from them ; but it would necessarily be paid for the nearer and less deep, and form part of the price paid for the waters derived from *them*.

Thus all the principles which regulate the value of lands to their proprietors, as a fund for supplying man with the necessaries of life and the materials of his more refined enjoyments, may be applied to any other fund, on which he is equally dependent; provided its powers be limited in the same manner. Land is not the only fund that requires the application of stock, and labour to make it yield those things which our wants demand from it. Salt is drawn from the pits, the lakes and the sea only by the application of labour and stock; metals are drawn from the mines, and the fish from the waters by the same application.

In the early stages of society, before industry has extended beyond the cultivation of the land, seats of great demand are not formed by those who have the fruits of their own labours, in arts and manufactures, to offer as equivalents in exchange for those of agriculture. They are formed by those who, as proprietors of the soil, command its surplus produce in rents; or, as the officers of an authority paramount to that of the proprietors, command the whole or a part of that surplus produce, in taxes; and of those who depend upon them for what they require of this surplus produce for subsistence. It depends upon those who command the surplus produce, and the services, or mental and physical powers of those subsisted upon it, whether they are usefully, uselessly, or mischievously employed. They command the necessaries of life, and the services of those who depend upon them for subsistence; and if they do not employ them usefully the fault is theirs. Man is an instrument whose mental and physical powers may, in the rudest state

of society, be made to contribute to the security, comfort, and happiness of his fellow-creatures; and these powers are always at the disposal of those on whom he depends for subsistence. Subsistence, in this early stage, is the only species of stock necessary to his efficient employment; and whether this be given to him as *capital*, with a view to a return of profit, to the individual who gives it; or as *revenue*, with the view of benefitting society by his labours upon some great and useful work, he is equally employed.*

In Peru there was but one great city; not, as Doctor Robertson supposes, because industry had not extended to manufactures and commerce, but because the whole of the surplus produce of the earth was distributed through the medium of the sovereign, and all the great public establishments of the Empire, to whom that surplus was distributed, were concentrated at the capital or seat of his residence. In Mexico there were thirty cities, not because industry

* It has been said that the employment of the people depends upon the accumulation of capital. But if by capital is meant, as Doctor Smith means by it, the produce of industry employed with a view to individual profit, the conclusion is not just.

Both Doctor Smith and Mr. M'Culloch say that their employment depends upon floating capital only; and of floating capital, upon that part only, which consists of food, tools, and cloathing. This reduces the terms of their propositions to a tangible shape; but the sense of the term is often changed in every page and every proposition, without any change in the word *capital*. Mr. M'Culloch makes employment depend upon food and clothing, whether they be employed with a view to profit or not. Then pray how can he say, that three millions a year are sent, in food and cloathing, from Ireland, to pay absentees, and still deny, that any part of the produce, on which the employment of labour depends, is sent out of Ireland?

Of this I shall treat more by and bye.

had been more extended, but because there were thirty great territorial proprietors, or mediums through which the surplus produce of the earth was distributed, to establishments maintained at the seats of their respective residences. In the empire of Congo there were many cities, though society was in a still ruder state than in Mexico or Peru; not because industry had extended, or because there were many great territorial proprietors; but because the emperor delegated his authority to viceroys of provinces, who became, as in China, the mediums of distributing the greater portion of the surplus produce to great public establishments, maintained at their residences.

But those subsisted upon the surplus produce of the land, were more usefully or more innocently employed in Peru, which had only one great city, than in Mexico or Congo, where there were many.* There subsistence was not given to them as *capital*, with a view to individual profit; but as *revenue*, expended with a view to benefit society in general by their labours; as in Egypt, where all the great and useful works, in roads, canals, bridges, granaries, &c. &c. were formed by subsistence distributed as revenue. Peru had two great roads, so formed, from Cuzko to Quito; each fifteen hundred miles long, and both furnished with bridges, granaries, and places of accommodation throughout their whole extent. These works, though not formed with a view

* Peru had only one great city. "In all the dominions of the Incas only one place, Cuzko, had the appearance or was entitled to the name of a city." Hist. vol. 3. p. 353.

Mexico had many Hist. vol. 3. p. 315-316.

to profit, were really profitable to the sovereign ; for by facilitating the distribution of the produce of the land, they set a vast number free from that employment, and left them at the disposal of the sovereign for other purposes, because he alone commanded the surplus produce, on which they depended for subsistence. They were still more useful to the people, in general. They contributed to their security, convenience, and enjoyment ; and the stores preserved throughout their whole extent, made years of plenty supply the deficiency of years of scarcity.

In Mexico and Congo* no such great and useful works were formed ; and though there were more towns and cities, the mental and physical powers of those who depended upon the surplus produce of the lands, were less advantageously or less innocently employed.† There establishments consisted chiefly and almost exclusively of soldiers ; those of Peru were chiefly composed of the religious order, which is said to have received nearly one-third of the annual produce of the land.‡ No doubt the greater part of this ecclesiastical establishment might have been employed more advantageously for the society ; but where a great portion of those supported upon the surplus produce of agriculture, must be left idle, they are more innocently idle as priests than as any thing else ; and in these early stages of society large ecclesiastical

* See an account of Congo in the Latin compñation of M. Gotardus Arthus Dantiscanus

I know of no translation of this work ; but it deserves translation. Published 1608, caput 6, p. 124.

† There was scarcely a passable road in all the empire of Mexico.

‡ Robertson's America, vol. 3, p. 338, 339.

establishments seem essentially necessary to internal order and security.

As the powers of the land to supply the necessities which man requires from it, are commonly limited within the capacities of the other funds to supply what man requires from them, the population of such great seats of demand, before industry has extended beyond agriculture, and when all their lands are cultivated, can extend only with an increase of territory, or with improvements in the system of tillage. The surplus produce of the domestic lands is not, in such states of society, purchased from farmers and cultivators with equivalents; it is exacted as a right by the Governments, in taxes; or claimed as a property by the landlords, in rent. But these rights and claims cannot extend to other states and communities, that are independent of them; and as they can, in this state of industry, have no equivalents to offer to such states and communities, in exchange for the surplus produce of their agricultural industry, their population can never extend beyond the numbers whom their own lands can provide with the necessities of life.

In such societies those only can be free and independent, who have a property in the land, or in some instrument necessary to its cultivation; all the other members must depend, either upon the proprietors of the land, or upon the Government; and in the free states of ancient Greece, as the number of free citizens was continually diminishing by the concentration of landed property, they were always proposing to extend the number by new sub-divisions of the

land.* It is common to suppose that in these early stages of society, when the sovereign is the great proprietor of all the lands, because he is the great medium of distributing all their surplus produce, all his subjects are slaves ; but it is generally found, that more *free men* are employed directly and indirectly in the cultivation of the lands of such a nation, than are employed in cultivating those of nations in which the land is distributed in property among his subjects.

In Mexico, for instance, there were thirty great feudal or territorial lords, who had uncontrolled jurisdiction within their own dominions, over each a hundred thousand subjects, like the great feudal lords of the middle ages in Europe. They distributed the greater portion of their lands to inferior nobles in property, on condition of military service. The inferior nobles, having but a small portion of land, the cultivation of which they could immediately superintend and inspect, reduced all those by whom the lands were tilled to complete slavery and bondage, in order to take of what they produced the greatest possible portion. The lands distributed among them were tilled almost entirely by slaves ; as those distributed in allodial property among the Saxons in England, were tilled by the ancient Britons, reduced to slavery. But the great feudal lords could not themselves superintend and immediately inspect the cultivation of their reserved lands. Instead, therefore, of urging those who cultivated them to work by the fear of the chain and the lash, they were obliged to invite them to it, by leaving to them a greater

* Polybius, B. 5th, l. 9th.

portion of the annual return. Those who cultivated the lands of the great lord were, therefore, more free than those who cultivated the lands of the inferior nobles.

But the sovereign was still less capable than the great feudal or territorial lords, to superintend and inspect the cultivation of his domains; and found it still more necessary, to invite men to till them by leaving, as the reward of their industry, a greater portion of the annual returns. All the farmers and cultivators of the imperial domains were free; and where all the lands of the empire belonged to the sovereign, all the farmers and cultivators were free men. In the estates of the inferior nobles of Mexico, we are told every free man held land in property;* but this was because every man who was not a noble with landed property, was reduced to the state of slavery. The Saxons, when they seized upon and divided the lands of England, reduced all the former occupants, to the number of more than a million, to slaves, transferable with the lands.†

In Peru no man held land in property, and yet every man who cultivated the land was free, and held his lands on certain tenures, stipulating the portion of the produce he should pay to the sovereign, and that which he should retain for his own

* Robertson, vol. 3. B. 4.

† Wilfred received from a Saxon convert an estate with the persons and property of its inhabitants to the amount of eighty-seven families. Gibbon, vol. 4, p. 171.

use.* Those only were considered in a state of servitude, who depended upon the surplus produce, distributed by the sovereign, without holding an office, or having any thing to offer but their services; and these were employed in distributing that produce, and forming and repairing the public works.† When I say that in Peru no man had a property in land, I do not of course mean to use the term as a *mathematical universal*, to which there is no exception; as some lands were no doubt given to priests and favorites; and some might have become property by prescription, as in those nations, Egypt, Persia, and India, of which Peru was a rude picture. I do not pretend to give a picture of society, I merely use a picture already given, as an illustration.

In this early state of society no great town or city could grow up independent of public establishments, under a very minute sub-division of landed property; as all the surplus produce would be consumed by the proprietors upon the small portions of land that yielded it.‡ We are told that at one time England had above fifty thousand towns; and these could not of course, as justly observed by the Quarterly Review, have been any thing more than aggregate masses of husbandmen.§ Every great town or city that may have grown up independent of public establishments, under a different system, must, in

* They had no right whatever to alienate the lands given to them to till, Hist. B. 4th.

† Robertson's Hist. B. 4, vol. 3, p. 296.

‡ The states of ancient Greece had their cities formed of public establishments, tho' the members were paid in rents and not taxes.

§ I forget the number and expression, and recollect only the sense.

such a state of society, or in any state, like that of India, which approximates to it, be destroyed by a minute sub-division of landed property.

We may judge from the sacred writings, that landed property had been minutely sub-divided in Egypt before the administration of Joseph; and that there were neither towns nor cities but what were composed by the officers of Government, the Priests, and their immediate dependents. But by the purchase of all the cultivated land, made by the sovereign during the famine, he was enabled to form towns and cities, "throughout the land of Egypt;" and this must have been a very important change in the constitution of the Egyptian society, though I do not remember ever to have seen it noticed by any writer.* The agrarian cities then formed were, possibly, the seats of all those magnificent cities so much vaunted in after ages; for while industry was so much confined as it was, the mental and physical powers of those who formed the edifices by which they were adorned, must have been at the command of those who drew the surplus produce of the land in rents, as proprietors, or in taxes, as the officers of Government.

When the lands were minutely divided among the Israelites, all the cities which had grown up under

* "And Joseph bought all the land of Egypt for Pharaoh; for the Egyptians sold every man his field, because the famine prevailed over them; so the land became Pharaoh's."

"And as for the people, he removed them to cities from one end of the borders of Egypt even to the other end thereof." Genesis, Chap. 47.

a different system disappeared ; as those which had grown up under the Roman dominion, disappeared in Europe under their successors. In Israel cities again grew up as the kings became the mediæans of distributing a considerable portion of the produce of the land, to fixed establishments ; and the employment given by David and Solomon to those who depended upon this surplus produce for subsistence, in great works of ornament and utility, is one of the greatest evidences we have of their wisdom. It will be my object to show, in a subsequent chapter, that similar works might be formed in every part of our Indian empire with infinite advantage to the people, and without any sacrifice whatever of revenue to Government ; because industry is and must long remain confined almost exclusively to agriculture.

When society has advanced, or industry has extended to manufactures and commerce, a portion of those who had depended for their subsistence upon the proprietors of the soil, or upon the Government and its officers, acquire an independent claim upon what they require of the annual returns of agricultural industry, in the produce of their own mental and physical exertions, offered as an equivalent. All those who subsist upon the surplus produce of agriculture are no longer obliged to follow and attend upon those who command it, as the proprietors of the soil, or as the servants of the sovereign. They offer their equivalents to those from whom they require the fruits of the earth ; and a bond of mutual dependence is formed between them. The seats of demand for land produce no longer depend upon public military, ecclesiastical, and other

establishments; nor is the population any longer necessarily confined to the numbers that the lands of any particular community can be made to maintain; as these equivalents can be made to purchase the necessities of life from distant and independent nations.

Seats of demand for land produce in towns and cities grow up not only independent of the lands they possess, for subsistence, but often without having any lands of their own at all employed as funds of supply.* The city of Palmyra was founded by Solomon in a situation which his wisdom discovered to be advantageous, as an entrepot for the Indian trade; and it grew up to opulence and splendour in the midst of an arid and uncultivable waste. The great commercial cities of Tyre and Sidon had scarcely lands enough to furnish pleasure grounds for their wealthy citizens. Such cities, depending not upon their own territorial funds, but entirely upon the employment of their *instruments of distribution*, like Venice and Holland, in later ages, might rise and flourish upon a barren rock, or in the midst of a dreary and steril waste, entirely independent of their own lands, or of any lands immediately around

* Mr. Ricardo and his School wish to establish, that profits depend entirely upon the powers of the last lands taken into tillage; and can be reduced only by the necessity of recourse to poorer soils. This is making a cause out of an effect. The index in the Nile does not cause the rise of that river; it merely indicates it to the people.

They assume that all instruments in commerce and manufactures can always find employment. How did Palmyra, Tyre, Rhodes, Venice, &c. lose employment for theirs. Justinian by introducing silk destroyed some cities supported entirely by the instruments which had brought it from India.

them for a supply of necessities, however agreeable and valuable they might find them as gardens and pleasure grounds. Hiram, who reigned over the commercial city of Tyre, despised the twenty agrarian cities, presented to him by his friend and ally, Solomon, as exhibiting nothing but a land of chains and slaves.*

It is manifest, that in one case, where industry is confined to agriculture, and land the only fund of the necessities of life appropriated, all taxes must of necessity be ultimately incident upon those by whom it is appropriated, however they may be levied or imposed; but it is equally manifest, that in this case they must of necessity be so incident, merely because no other fund of the necessities of life happens to be appropriated by the state, or by individuals. By the appropriation they have constituted themselves, or have been constituted, the mediums of distributing the surplus produce of the fund appropriated; but had any other fund been appropriated, the persons appropriating would have been the mediums of distributing its surplus produce, in the same

* This passage has been rendered differently; but "land of Cabool" means land of Fetters; doubtless from the land being cultivated by men in fetters; as they were in Europe, and have been all over the world in similar states of society. Cabool means fetters, both in

Hebrew כבול and in Arabic, كبول. See Psalm 149. "To bind their kings with chains and their nobles with fetters of iron," and Psalm 105, "whose feet they hurt with fetters." In these passages the same word is used in a different measure I admit; but it is used in the same measure to express the same thing in Arabic; and as it is used nowhere else in the Bible, it is fair to conclude that it is used in this sense here.

manner. The proprietors of the Nile might have had as valuable a property as the proprietors of the lands, whose powers of fertility were unavailable without its waters ; and the farmers of many hundred estates in every nation of the world would at this moment double their rents for a stream of water equal to the irrigation of their lands.

It is manifest, that in the other case, where industry has extended to manufactures and commerce, all taxes are not of necessity incident upon the proprietors of the lands ; but that heavy taxes may be levied, and large public establishments maintained, without any rents at all being received from domestic lands, as funds of supply. Though history, as is justly remarked by Mr. Hume, tells us of no state or city that rose to wealth or power in ancient days by means of manufactures, history is replete with instances of their so rising by means of commerce. The funds or sources of wealth* are the lands, the mines, the fisheries, &c. &c. of a nation ; the instruments are those of production, preparation, and distribution. Cities and states have risen to power and opulence without any domestic funds in lands, mines, or fisheries ; and consequently, without any instruments of production applied to them. They have also so risen without any instruments of production in manufactures ; and, consequently, their wealth and power have depended entirely upon the employment of those instruments by which the commodities of

* By wealth I must be distinctly understood not to mean exchangeable value alone. I may call it after Mr. Malthus, "every material thing necessary useful or agreeable to man ;" but of this by and bye.

distant nations have been distributed.* Of such states and cities there are two classes; the commerce of one being *maritime*, that of the other, *land*.

India sent a constant supply of luxuries to the west, which enriched, by the employment of commercial instruments, every region through which it passed, from the days of Solomon to those of Vasco de Gama. As this stream changed its course, states and empires rose and went to decay. ~~In~~ the track to which it became diverted, the most sterile and solitary deserts became the seats of busy multitudes, enriched by arts and adorned with magnificence; while in that from which it was turned, the most splendid cities became solitary ruins: and countries rich in every natural gift, became waste, and depopulate. But India itself, the fruitful source of all these mighty revolutions, the seat of all the funds from which these luxuries were drawn, and of all the instruments by which they were produced and prepared, remained unconscious and unchanged.

Rich perhaps in all the materials of what Mr. Burke, would have called, "philosophical happiness;" but poor in all those, which he would have denominated, "vulgar happiness." No domestic industry, no foreign equivalents diffused substantial comforts among the great mass of her people; no arts enriched, no taste adorned her cities. The specie she received from the west remained an useless and unprofitable deposit in the palaces of princes, and the

† I do not of course here consider those which have risen by conquest.

temples of her gods,* till the invasion of the Mahommuduns.

• The instruments by which these luxuries of the East were distributed to and among the nations of the west, peopled and enriched every place where they became seated and established ; whether these instruments were maritime or otherwise ; and the wealth and power of such places went to decay, and disappeared, as these instruments lost their employment, or changed their seats. Some of these seats of the instruments of distribution had, as I have stated, scarcely domestic lands enough to furnish gardens and pleasure grounds for their opulent citizens ; and very few of them sufficient to provide subsistence for their people. But rising to wealth and power by means of commerce, they drew from other nations ten times the quantity of agricultural produce, that their own lands could ever have been made to yield ; and might have supported by taxes ten times the amount of public establishments, that all the *produit net*, or surplus produce of their own agricultural labour would maintain. They might have paid to these public establishments ten times the amount of money, that all their domestic lands could be made to yield in rent, at whatever costs their foreign supplies were

* Pliny estimates the money sent annually to India by Rome, at fifty million of Sesterces. Lib. 6, l. 23, and that sent by the whole Empire at one hundred million. Lib. 12. l. 18.

• The Venetians sent annually in the beginning of the 15th century, five hundred thousand Ducats.

Macpherson's introduction to Hist. of European Commerce with India.

imported, and to whatever price the domestic produce had been raised.

In a state like Sparta, where industry was confined exclusively to agriculture, the population could never exceed the numbers that its own lands could be made to supply. The lands were tilled by slaves, who out of the annual returns, were never permitted to enjoy more than what was absolutely necessary for their subsistence; and the surplus produce was distributed among the idle proprietors, to whom every species of industry was disgraceful. Their business was to eat, play, and fight; and when their numbers pressed against the means of subsistence derived from their slaves and their fields, they were either sent out in colonies, to seize and appropriate other lands, and reduce other people to slavery, or were put to death. They were not, as in commercial and manufacturing states, employed in domestic industry, to prepare equivalents, by which the produce of the lands of distant and independent nations, might have been purchased, to subsist increasing numbers. The taxes of such a state, when no other fund was appropriated, must have been of necessity ultimately incident upon the proprietors of the land.

In a country that has no tributary provinces; no absentees; spending incomes derived from other countries; no people returning home with property acquired in other countries; no contributions from other countries to her domestic establishments and institutions; no industry but agriculture; and no other fund or source of the necessities of life than the soil appropriated, all taxes must necessarily be ultimately

incident upon the proprietors of that soil, and be paid either directly or indirectly out of their rents. But where is such a country to be found, particularly among the nations of modern Europe?

Athens was, perhaps, less a commercial than a manufacturing nation. The lands of that state, as we learn from the economics of Xenophon, were all well cultivated by slaves, under the superintendency of free citizens; but Athens, as we learn from Demosthenes,* imported a great part of the corn, oil, and wine she required for her people from distant and independent nations. The citizen of Athens, who had a hundred slaves, employed as instruments in a domestic manufacture, to prepare equivalents with which to purchase the corn, oil, and wine of distant nations, had as valuable a part of the surplus produce of the national industry, as he who had a hundred slaves employed as instruments upon his farm in producing corn, oil, and wine. What the one imported in exchange for his manufactured commodities, would be as much a portion of the annual reproduction, as what the other obtained upon his lands; but any tax imposed upon the imported corn, oil, and wine, instead of falling upon the land-proprietor, would necessarily increase his rents by increasing the price of these articles.

A seat of demand for agricultural produce, to be purchased with equivalents, whether that seat be a town, a city, or a nation, may be established upon

* He told the people that Philip of Macedon knew well, that they of all people used the greatest quantity of imported grain. See Corona.

the revenues or incomes derived from the employment of domestic funds and instruments; or upon a revenue derived from the employment of foreign funds and instruments. While the amount of the revenue is the same, the effects upon the land, and its value to the proprietors are in all ordinary circumstances the same. As this revenue increases, and this seat augments, recourse becomes necessary for supply to more distant and less fertile lands. The increasing demand indicates itself in an increased price; and an increased price invites the cultivation of less fertile and more distant lands.

The powers of nature which operate in agriculture, being, as it were, concentrated in appropriated mediums, and limited, every augmentation in a seat of demand for their produce renders necessary a recourse to less fertile and more distant funds, from which supplies are brought at greater costs; and unless the price rises so as to pay the costs, the supplies will not be brought. The price rises because the supplies are indispensably necessary; and as it rises, the proprietors of the more fertile and nearer lands, or concentrating mediums, draw a greater and a greater rent.* The demands at any particular seat must regulate the distance of the land, and the quality of the soil, to which recourse shall at any

* "The rent of land not only varies with its fertility but with its situation. whatever be its fertility."

Wealth of Nations; B. I. C. 7. and 11, vol. 1, p. 82 and 228.

"Land in the neighbourhood of a town gives a greater rent than land equally fertile in a distant part of the country. Though it may cost no more labour to cultivate the one than the other, it must always cost more to bring the produce to market from the distant land." *Ibid* vol. 1, p. 223. and Malthus on the nature and progress of Rent.

particular time be had for supply ; and the demand must effect the supply required, through the medium of a rise of price, equal to cover all the costs of bringing it from these lands.

Those who demand effectually must have wherewithal to pay these costs ; whether their revenues or incomes be derived from the employment of domestic funds and instruments, or from the employment of those of distant nations ; whether in taxes, tribute, or private incomes ; and, as Doctor Smith has justly observed, “ the price of each particular kind of produce must evidently be previous to the improvement and cultivation of the land which is destined for raising it.”* When the produce from the poorest and most distant lands, at any time in tillage, becomes insufficient to supply the wants of the people at any seat of demand, the price rises, and indicates, that recourse is necessary to lands still more distant and less fertile ; and labour and stock, invited by the rise, are applied to them. The rise of price is an index by which every seat of demand, however great, or however small, makes its wants known to those by whom it is to be supplied ; and is as well understood by the landlords and farmers of other nations, as that of the Nile was by those of Egypt.

The application of labour and stock to more distant and less fertile lands is an effect, and not a cause, as it has by some been assumed to be.† Labour and stock are invited to their cultivation,* because it

* *Wealth of Nations*, B 1, C. 11, vol. 1, p. 353.

† Ricardo, Mill, and M'Culloch.

promises greater wages and profits than can be found in other employments; and when other employments offer greater wages and profits, labour and stock are withdrawn from them. If lands of equal fertility, that is yielding precisely equal returns with precisely the same application of labour and stock, be employed in the supply, the value of one portion will be greater than that of another to the proprietor, just in the same proportion, as it is nearer, and the expense of conveyance is less. The produce of both sells for the same price at the same seat of demand; but out of this price the costs of conveyance must be defrayed; and these are greater from the more distant. Out of the price of produce more rent will, therefore, be paid to the proprietor of the nearer. If lands of different degrees of fertility be employed, that is yielding the same returns, we may suppose, but with the application of unequal quantities of labour and stock, the value of one portion to the proprietor will be greater than that of another, in proportion as a less quantity of labour and stock is employed, provided that both be equally well situated with regard to the seat of demand. Out of the same price for the same quantity of produce, more wages and profits, and consequently less rent, will be paid on the poorer lands.

If the poorest lands employed in the supply in the vicinity of the seat of demand, be equal in fertility to the poorest employed in the supply of the same seat at a great distance, it is obvious, that the former must pay a considerable rent to their proprietors; a rent equal to the expence of conveying the produce

to that seat of demand from the poorest of the most distant lands. The degree of fertility or the distance to which recourse is at any time had, is an effect and not a cause; and can have no operation in reducing the profits of stock employed. While this stock is freely convertible to other purposes, it will command the profits, that can be made by its employment in the other purposes to which it is convertible.. If the demand increases, and indicates itself by a rise of prices, it is invited from these other purposes to the land; and if the demand diminishes, and indicates itself by a fall of prices, the landlords must diminish their rents, or the stock will be diverted to other employments. Supposing the stock freely convertible, its profits are not influenced by recourse to poorer and more distant soils, as a cause.* If there be any error in my reasoning, it will be very easily detected. My object is to be clearly understood, not to support a particular theory; and I have avoided using any term either vague or ambiguous, and assuming, as a premise, any conclusion whose truth is not generally admitted.

If those lands which, as demand increases at any particular seat, are required to be diverted to the supply, had before paid any rent to their proprietors—if, for instance, they had paid a small rent as pasture lands, but are now required to supply tillage produce; the price of tillage produce must necessarily rise, so as to enable the farmer to pay this rent, over and above all the other expenses of producing

* The Ricardo School assumes that the rate of profits are entirely governed by these as a cause.

and bringing to market, before such lands will be converted to the supply. Doctor Smith supposed, that the worst and most distant lands to which recourse became necessary from time to time for tillage produce, would be worth something to their proprietors for other purposes; and that till the price of produce rose so as to pay this something in rent, over and above all the other costs, it would not be converted to the supply.*

This conclusion, the truth of which practical men readily admitted, has been disputed or rather denied by Mr. Ricardo, as its admission would destroy the foundation of all that is original in his theory. He has endeavoured to prove, that the poorest and most distant lands to which recourse is at any time had for supply, pay no rent; and that the price of the produce derived from them must, therefore, be composed entirely of the wages of labour and the profits of stock employed in producing and bringing it to market. This is merely applying to the soil what Doctor Smith himself had said with regard to coal mines,† and whether it can or cannot be truly affirmed of the produce of land, as it may possibly be affirmed of the produce of mines, that in the price of that which comes from the most distant and least fertile no rent is paid, may be left to the schools, and can be considered of no importance by practical men.

Some states and communities may be so circumstanced as to draw agricultural produce from foreign countries while they have much fertile land at home

* *Wealth of Nations*, vol. 1, p. 227 to 247 and 358, B. 1, C. 11, and vol. 3, p. 369, B. 5, I. 2.

† *Wealth of Nations*, vol. 1, p. 268, B. 1, C. 11.

waste and uncultivated. Others, on the contrary, may draw no agricultural produce from foreign countries, while the very worst of their lands at home may not only be cultivated but pay a high rent to their proprietors. The price at which foreign supplies can be purchased at the seats of demand in any particular state, must, ordinarily, depend upon the costs of production in the countries to which recourse is had for supply; the costs of conveyance from these countries to these seats; and the taxes or duties paid upon the supplies in the different stages of their progress. All these costs united may amount to no more than the wages of labour, and the profits of stock, required to produce the same kind of supplies upon lands of the first quality at home, in a manufacturing and commercial country. This labour highly skilled and stock highly profitable, employed in manufactures and commerce, might purchase more agricultural produce, encumbered with the costs of conveyance and taxes, from foreign countries, than they could produce if applied to soils of great natural powers at home; and while they can do this, labour and stock will not be invited to the cultivation of such lands. But when the costs of foreign supplies become augmented by the necessity of recourse to countries still more distant, or by taxes, the price of produce increasing will invite labour and stock to their tillage. The price of produce might go on increasing till labour and stock had been invited to the cultivation of the most distant and very worst soils of such a state.

Arthur Young very justly concluded, that stock had been diverted from the cultivation of the lands

in France, by the injudicious measures of the Government, which had given too great encouragement to its employment in commercial and colonial industry, and too much discouragement to its employment in agriculture.* England has invited the application of labour and stock to the cultivation of poor soils, distant from the seats of demand for their produce; but their cultivation is the effect of prices increased by means of import duties, and the consequent application of labour and stock to their tillage. The profits of stock in other employments are not less because stock is applied to poorer and more distant lands;† but labour and stock are invited from other employments to poorer and more distant lands, because a rise of prices offers greater wages and profits.

No doubt a great deal of the poorer and more distant lands of England owe their cultivation and improvement to the taxes imposed upon the foreign supply; and if these duties were removed, no doubt labour and stock would be driven from their cultivation, to seek employment in other branches of

* See *Travels in France*, vol. 1, p. 437 to 443.

Arthur Young is, however, much out, when he supposes the East Indies take any capital from English land. An honest indignation carried him too far.

† This is the hypothesis of Mr. Ricardo's School. Mr. Mill (with Mr. Ricardo, and Mr. M'Culloch) considers, the profits of stock in agriculture a cause regulating all other profits, p. 71, 72, 73, 82, and 63. Principles, &c.

But an effect, and regulated by the ordinary rate in other employments, p. 200, 202, 242, 277, and 230. Principles, &c. and in p. 78 and 79. Capital is invited to land from other employment by *increased demand for, and price of produce, and increase of profits*; yet *profits are thereby reduced*. How are these things to be reconciled?

industry. The great seats of demand upon the sea coast, and banks of navigable rivers, would no longer have recourse for supply to those lands, poor and remote, from which they are now furnished; and as these were thrown out of tillage, the better and nearer lands would pay less and less rent to their proprietors. But it is very erroneous to suppose, as seems too commonly the case with closet reasoners, that the last lands taken into tillage must always be found in the course of time the least fertile; and that, "those taken into cultivation three hundred years ago,"* must necessarily be now more fertile than those taken into tillage only twenty. The last lands taken into tillage may be much richer in natural powers than those which have been long in cultivation; but from the difficulties and costs of removing impediments, and rendering those powers available, a very high price may be requisite to invite the application of labour to them in the first instance. In all probability much of the land brought into cultivation by these import duties, is now the richest in the country.

Among maritime nations the price of agricultural produce does not increase with the increasing demand in the same degree, nor to the same extent as in inland countries, provided the costs of supply be not augmented by import duties. The difficulties and costs of supply must always be less from the

*. Ricardo, p. 286.

He supposes the natural powers of the soil "original, inexhaustible, indestructible." p. 49.

They are neither one nor the other, so Mr. Mill supposes these powers of the soil, p. 51, and 71, second edition.

greater facilities of conveyance by sea ; and from those of communication with countries in which the wages of labour are less, and the natural powers of the soil to which that labour is applied, are greater, and less exhausted by long tillage. Under a system of free imports, and with seats of demand of the same number and magnitude, labour and stock will be more tardily invited to the cultivation of poor and distant lands in a maritime than in an inland country ; and the lands will, consequently, be less valuable as a source of rent to their proprietors.

Other things equal, lands will pay a rent to the proprietor, in proportion as the costs of conveyance to the seat of demand for produce is less from them than from others, to which that seat has recourse for supply ; and the distance to which recourse is at any time had being the same, the costs of conveyance are in proportion to the difficulties of transport. Any great seat of demand in an inland country must, therefore, pay a higher price for land produce, brought from the same distance, than a similar seat with a convenient harbour upon a sea coast ; and one situated in an inland country without facilities of transport in navigable rivers, canals, bridges, and good roads, must, for the same reason, pay a higher price for land produce brought from the same distance, than a similar seat situated in a country that has them.

To give as an instance, the Island of Mauritius, which imports land produce from New Holland, the Cape of Good Hope, Madagascar and India. At present 1827, she pays freight from Calcutta at the

rate of forty shillings a ton, upon the rice received for the use of the slaves ; and about the same is paid for conveying a ton of land produce to the port from places ten or twelve miles distant, notwithstanding the vast improvements which the Government has made of late years in the facilities of conveyance. The one is brought over above forty degrees of latitude and above thirty degrees of longitude, at the same cost, that the other is conveyed ten or twelve miles. The price, therefore, never rises to invite labour and stock (dear as they are in the Mauritius from the cultivation of sugar) to the production of the necessaries of life upon these distant lands, for the supply of the port.*

When the increase of demand at any particular seat arises from the increase of revenue, derived from the employment of the instruments of that seat, in manufactures, commerce, &c. the wages of labour no doubt increase more with the increase of demand, than where it arises from an increase of revenue, derived from the employment of the funds and instruments of distant places. They rose probably more in the vicinity of Tyre, Rhodes, Carthage, and Athens, than in that of Rome, Byzantium, and Alexandria. They rise probably in the present day more in the vicinity of Liverpool, Manchester, Glasgow, &c. than in Madrid, Rome, Constantinople, &c. ; and where they do so rise more, the rents of land must increase less.

It has, too, been sometimes found, that where the

* The rent of lands is in consequence very little ; indeed a good deal of the very richest soil, ten miles distant from the town, is waste, and unsaleable.

increase of people at any particular seat, arises from an increase of revenue, derived from distant countries, in private incomes or public tribute, the price of land produce does not increase with the increasing demand in the same proportion as in other seats. Agricultural produce has, in such places, sometimes been found the only available medium in which these private incomes and public tribute could be remitted. Rather than not draw any revenue at all from the distant countries on which their claims are secured, the Government or the individuals draw it in the raw produce of the land at a considerable loss; and the price is rendered thereby less than it would be at such seats, were they left to be supplied by the free competition of industry.*

This was the case at Rome; a seat to which private incomes and public tribute were remitted from all quarters of the empire in land-produce, and the lands in the vicinity of that great city with all her facilities of conveyance from distant provinces, paid probably as little rent as funds of supply, as those in the vicinity of her great granaries of Egypt, Africa, and Sicily.† Tacitus lamented, that Italy, which had formerly sent supplies of agricultural produce to distant provinces, should, while yet the fertility of her soil was unimpaired, be reduced to a dependence upon Africa, and Egypt; and that the lives of the Roman people should be committed to the winds and waves. It had, perhaps, been more just to complain,

* See *Wealth of Nations*, vol. 1: p. 233, B. 1. l. 11.

† Tacitus, in describing the visit of Germanicus to Egypt, says it had been thought, that the man who should possess himself of that province might starve Rome.

that by the plunder of other nations, the Romans should have been maintained in an idle dependence upon a few great Senators.

In India every little village is a seat of demand for agricultural produce, as will be described in another part of this work; but the great seats of demand, which are alone to be considered in this place, are scarcely any of them founded upon revenues derived from the employments of instruments, in manufactures, commerce, &c. &c. They are almost all founded upon revenue derived in taxes and tribute from distant places; and composed of the public establishments of Government, and their followers in different capacities. The increase of demand at such seats arises from an increase of these establishments; and a diminution from a decrease; and as all their luxuries and the greater part of their conveniences are supplied from the industry of distant places or countries, they have little influence upon the wages of labour in their vicinity, but as they raise the price of land produce with their increase, and reduce it with their decrease.

As these seats of demand are augmented by increased public establishments, and recourse becomes necessary to more distant lands, the price of land produce increases; and the rents of land increase the more that the wages of labour have been increased less than in seats of demand differently constituted. In other countries, good roads, canals, bridges, and other facilities of distribution, follow an increase of population and demand at any particular seat; whether that increase arises from one species of revenue

or the other ; and by reducing the costs and difficulties of conveyance, the price of produce is prevented from rising so much as it otherwise would do with the necessity of recourse to more distant lands. But in India this is rarely the case. As demand increases, and recourse becomes necessary to lands more and more distant, no improvements are made in the means of transport ; and the price increasing with the increasing demand, the value of the nearer lands augments, whether that value be taken in rents by the proprietors, or in taxes by the Government.*

Nor is the increase of demand at such seats in India ever prevented from causing a corresponding increase of price, by land produce being made the channel of remitting to them private incomes or public tribute ; as had been the case in Rome, and is, perhaps, still the case in some parts of the world. The public revenue by which these establishments are supported is all levied from the distant places which contribute it, and paid to those who receive it, in money ; and with this money is purchased what free competition brings to the market. The price is prevented from rising neither by a remittance of revenue in land produce, nor generally by the formation and improvement of great works, to facilitate

* Since the administration of Lord Hastings works to facilitate distribution have been formed upon a scale worthy the dignity of our Government, as will be noticed in a subsequent chapter. One of the great minds in which this improvement in our Indian administration originated, has, unhappily, been taken away in Mr. John Adam ; and it cannot but be a subject of regret to the sensible part of the mercantile community, that they lent themselves to the party of Mr. Buckingham, to embitter the last days of a man they know to have contributed so greatly to the benefit of our Eastern dominions.

distribution; and while the price of produce increases with every augmentation of establishments and demand, the rents of the land from which these seats are supplied must increase.

This reasoning will probably be thought to account satisfactorily for a great portion of those revolutions in the value of landed property in India, which have been so often seen, so often lamented, but never satisfactorily explained in any publication with which I am acquainted. Seats of demand for agricultural produce are very suddenly formed and augmented by our public establishments; which are, in the present state of society and industry, almost the only centres of demand for the surplus produce of the land in India. As these seats of demand, however, are seldom formed or augmented by an increase to their collective numbers, their increase in one place must imply their diminution in another. In as much as they increase the demand for raw produce, raise the price, and augment the value of land in the place to which they are removed; they must diminish the demand for, and the price of land produce in the place from which they are taken; and, consequently, reduce the value of land.

Thus very great and very sudden revolutions are produced in the value of landed property, and in the condition of the people in the different parts of our eastern dominions. The seats of demand in India may be compared to the sand banks of her great rivers; they are in a state of continual revolution and change. Those parts in which seats of demand

for land produce are formed or augmented, rapidly improve, while those from which they are removed, or in which they are reduced, go as rapidly to decay; not unfrequently to the surprise of the Government, which had calculated on results totally different; and supposed that it was removing an oppressive burthen when it was taking away a source of prosperity. The same effects had always been following the same causes under different dominions in India, because all great seats of demand had always depended entirely upon great public establishments, political, civil, military, or ecclesiastical; and they have for more than half a century been following the same causes under our dominion, without the connexion between them having been distinctly traced and clearly explained in any publication with which I am acquainted.* There can be no doubt, that such an explanation would have been of great practical importance, both to the Government and to the people of India; for without clearly understanding this connexion between great seats of demand and the value of land, we must be perpetually liable to errors of the greatest moment, as well in our political as our financial measures, in the administration of a country where all these seats depend upon our public establishments, or upon public establishments at our disposal.

From the time when the Mahommedans, in the

* Since the Government has availed itself of the great talents, abilities, and application of Mr. Holt Mackenzie, in the office of secretary in the Revenue department, much clearer views have been had, and much more judicious measures pursued in this branch of our Indian administration.

thirteenth century, drew into circulation and employment the precious metals, which, flowing in a perpetual stream from the west, had remained an useless deposit in the temples for more than three thousand years, the seats of demand for surplus agricultural produce in India made some progress in changing their character.* From depending entirely upon revenue drawn by the sovereign, or feudal chiefs, for the support of military and ecclesiastical establishments, many seats of demand had become to depend upon incomes derived from employment in arts, trade, manufactures, and commerce. In Europe when the great territorial lords were prevented from plundering each other, and from exacting all the surplus produce of their own lands, to support licentious and idle militia, by the vigorous administration of a few enlightened sovereigns, industry extended; and the episcopal sees and the residences of the great officers of state became the seats of arts,

* The first invasion of southern India by the Mahomuduns, took place in 1293 of our ^{Æra}; and from that time till it was formed into an independent Mahomudun kingdom in 1349, one invading army followed another in quick succession; and the treasures they sought seemed as inexhaustible as the human blood through which they waded to them.

It was into this part of India, that the precious metals flowed from the west; and were lost in the temples. Many millions flowed back to Europe through Tamerlane, Nadir Shah, &c. &c. The gold of the Duckup was to the Mahomuduns, what that of Mexico and Peru were afterwards to the Spaniards. The treasure taken back to Persia from India by Nadir Shah has been by some computed at two hundred and thirty millions of our money; and by some so low as seventy millions.

Three adventurers returned from these expeditions into southern India, to murder their emperors, and ascend the throne by the aid of their booty.

trade, manufactures, and commerce; and the demand of these seats became in time, independent of military and ecclesiastical establishments.

So it was in southern India, or India south of the Nerbudda river, while it was divided into independent Mahommudun sovereignties, and exhibited a picture of Spain under the Moors; and so it was in other parts of India, as Malwa, Guzerat, and other places in which independent Mahommudun sovereignties were established; and so in Bengal and other parts, in which Governors were sovereigns in every thing but name. Improved tastes gave active employment to the people; and in the exercise of their physical and mental powers upon objects of luxury and convenience, an independent claim upon what they required of the surplus produce of the land. The tastes differed, but they all gave this employment. The tastes were in some parts as in Bengal, for foreign and domestic luxuries, which, like those of Europe, soon perish and disappear in their use or enjoyment. In others they were for great works, useful or ornamental, which though used and enjoyed, last through ages; and after the lapse of centuries excite the wonder of the traveller. The one was like the taste of the Egyptians and other nations and states of antiquity, and that of the commercial states of Italy; the other like that of the commercial and manufacturing states of modern Europe. As far as they gave equal employment to those who depended upon the surplus produce of the land for subsistence, and had nothing to offer in exchange, but the use of their mental and physical powers, they were both equally useful.

The Marhatta power originated in the invasion and desolation of the independent sovereignties of southern India by the emperor Aurungzebe; and rose gradually and simultaneously with ours, amidst the anarchy and civil wars, which followed his death; and continued under his imbecile successors.* We flatter ourselves with having conquered India—we have been merely the most successful competitor for dominion where all dominion had ceased; and have merely been employed in collecting the scattered fragments of a general wreck. We have not yet applied our knowledge to form any thing out of these collected fragments; and though they are all at our disposal, they are but fragments still, which another tempest may scatter.

The few seats of great and independent demand, which escaped the ravages of the civil wars, in which our power rose, we have consumed by slow degrees. The Marhattas destroyed them by their misrule; and by their want of taste for that luxury, convenience, and magnificence, which, under the Mahomuduns, gave active employment to the mental and physical powers of those, who had nothing else to offer for the surplus produce of the land they required for their subsistence. We have destroyed them by our colonial, commercial, and manufacturing prejudices; and by other means that will be considered in a subsequent chapter; and between us we have reduced nearly all the great seats of demand for agricultural produce, to their primitive state of

* He died A. D. 1707. After he had reduced southern India to a complete scene of anarchy and desolation, such as the ambition of Louis the 14th produced in the Palatinates of the Rhine.

Hindoo simplicity, and dependence upon military and ecclesiastical establishments.

The population of India is not, perhaps, less than it was under the Mahommudun dominion; but our military establishments are reduced in number to perhaps one-fiftieth part of what they then were, including the feudal militia. The ecclesiastical establishments are no where increased; on the contrary they are much diminished in all the fixed seats. Infinitely less numbers are now employed in manufactures, trade, and all the arts that contribute to the convenience, luxury, and embellishment of life. Our civil establishments are certainly not in numbers one-tenth of what they were under the Mahommudun Government. The system of agriculture is now as good as it was then, and our lands are not much less fertile; consequently they will yield as great a surplus produce. Where then may we ask are all those subsisted upon the surplus produce of the land? Where, if we take one-third of the produce as surplus in revenue, are the thirty millions of people subsisted upon it? Are they employed in our public establishments; or are they any where usefully employed? These are questions that have, in all probability, suggested themselves to many well informed men in India, though I have never heard them stated.

It is not my object in this chapter, to enlarge upon the practical application of my reasoning to our Indian administration, as this will be the subject of future chapters, and would extend this too great a length. I may, however, here state, that when we

have had a cession of territory from a native prince or chief, in lieu of money subsidies, we have generally chosen them from their fine condition; and this fine condition has commonly arisen from the great effectual demand for land produce, furnished by the great military establishments maintained within them under the former government; establishments that consumed not only all the surplus produce of such territories, but that of lands far beyond their boundaries.

The wages of agricultural labour are paid in kind, and are pretty nearly the same throughout all parts of India; and the corn rents are pretty uniform, or ought to be uniform, from lands of the same natural fertility throughout the country; but money rents from lands of the same quality vary according to their distance from the seat of demand for their produce, in a manner quite incredible to those who have had no opportunity of personal observation. There are no roads in any part of the empire, over which a wheeled carriage can pass for the greater part of the year, from any great seat of demand, to the distant lands to which it has recourse for supply; and it is not at all uncommon, to bring raw produce to these great seats, a distance of one hundred and fifty miles upon the backs of bullocks. The costs of conveyance in this mode amount, in ordinary seasons, to more than double the price of the produce itself upon the lands from which it is brought; consequently the price of produce at the seats of demand must be more than three times what it is at the distant lands that supply it; because, besides the costs of conveyance, the wastage, and taxes, and duties,

imposed upon the produce in its transit, must be paid in the price, and can be paid in nothing else.

The quantity of produce purchased upon the most distant lands for one pound sterling, must be sold in the seat of demand for three or four pounds sterling; and the produce drawn from the lands in the vicinity of that seat, must be sold at the same price; because there cannot be two prices for the same thing in the same market. If one-half the produce be taken for rent in both, the distant land from which that quantity of produce is taken, will pay a rent of ten shillings; but the same quantity of land in the vicinity, will pay a rent of thirty or forty shillings; because both lands are supposed of the same quality, and both to give half their produce as rent.

The territories ceded to us are commonly upon the frontiers of the state from which we receive them; and this circumstance, which makes them the more eligible for us, has commonly occasioned their being made the seats of great military establishments, which by their demand for agricultural produce, have extended the cultivation, and increased the population and industry of these territories. But as these territories border upon our own, the great establishments by which they have been occupied and defended, are no longer necessary for military purposes. No danger can be apprehended from without; and to prevent internal disorder, the few troops we are willing to maintain are thought to be more necessary within the territories reserved by the native state. Our administration of such newly acquired territories commonly, therefore, begins, by

reducing, or removing the whole or nearly the whole of such establishments.

Before, however, they are removed, or that our intention of removing them has been promulgated, a settlement of the land revenue is made for a period of years; and is probably rated upon a calculation of the average money rents, paid to the former Government for a certain number of years preceding the transfer. Or calculating upon the increased tranquillity and security that cannot fail to follow the removal of such large military establishments; and the consequent increase of labour and stock applied to the lands, the farmers and cultivators may be prevailed upon to engage at this rate for the first year, and for every succeeding year of the settlement at an increased rate, or at what is technically called a *Rusudee Juma*. This arrangement completed the long impatiently urged measures of disbanding and removing public establishments, and reducing local expenditure to the lowest possible scale, are carried into effect. But an effect not calculated upon soon manifests itself in the most unequivocal symptoms. A very deficient market or no market at all is found for the surplus produce of the land, which the farmers and cultivators are very willing to give the Government in rent or revenue; but finding no market in which they can exchange that produce for money, they find themselves unable to pay money to the state. Government will, however, take nothing but money in rents and revenue; and unless it brings back the public establishments, increases in some other shape the local expenditure, or reduces the assessments, lands are soon

thrown out of cultivation, farmers and cultivators are thrown into jail for defalcation or contumacy, or desert to other countries with all their moveable stock; and the assessment inevitably reduces itself by rapid degrees through a period of disorder, wretchedness and depopulation.

An increased local expenditure in public works of great and general utility may possibly sometimes suggest itself to the local authorities as of much greater advantage than reductions in the assessment; but they can have little hope that any arguments they can adduce will ever bring the paramount authorities to the same just conclusion, and this is scarcely ever had recourse to. Mr. M'Culloch has told them, as he has told the absentees of Ireland, that the abstraction of revenue can never take away employment from a country, nor its expenditure ever give it; and the absurdity of this doctrine has never yet been sufficiently exposed. The employment of the people, he says, depends upon *capital*, and *capital* is not reduced by the abstraction of *revenue*. If we turn to his "Principles of Political Economy," we find capital to be all that portion of the produce of a nation's industry, which *can be made* available to the support of human existence, or to facilitate production, without regard to its actual employment, whether as stock or revenue;* and the employment of the people to depend entirely upon that portion of

* Page, 92, 93, 94, and in p. 115, he makes man himself *capital* and "as much the produce of labour as any other machine." This portion of capital is certainly not deficient in Ireland; and it is a good portion where good use is made of it—but of this by and bye.

the national capital, which consists in food and clothing. If the Irish absentees take three millions a year in food and clothing from Ireland, it cannot be affirmed very consistently with such definitions, that no capital is thereby taken from Ireland, nor any thing upon which the employment of labour depends.* A local expenditure, would in such territories, provide a salutary market in which the rude produce of the land might be exchanged for money, paid by the Government for mental and physical powers employed for the benefit of the people; and without it the assessments too often reduce themselves through years of wretchedness, oppression, and disorder.

The reserved territories of the native state into which the military establishments have been removed, improve rapidly in extended tillage, and increased population and industry. Not only do the money rents, paid by the farmers and cultivators to their Government, return to them in exchange for their produce, but that collected by us in the ceded territories, and paid to these removed establishments, is distributed among them in the same manner. The native Government and its officers being, like ourselves, unacquainted with the effects of these establishments upon the value of the lands, have not of course any more than ourselves, made their settlements of the land revenue with reference to their probable increase or decrease; and all the increased value they impart to the lands in these reserved

* I attribute to Mr. McCulloch the paper on absentees in the 85th number of the Edinburgh Review; and regret that his talents should have been wasted upon it; and that so excellent a publication should have been employed to circulate so much fallacy and sophistry.

territories, goes for a time to the farmers and cultivators. Tillage is extended, stock augmented, and population increased. At the expiration of existing leases the Prince of course shares liberally in these advantages; and sometimes finds, that instead of a pecuniary loss, he has by the new arrangement a considerable gain; as all the frontier districts to which he had before been obliged to make annual remittances of money, now are become tributary to his treasury. If these districts cease to yield the means of paying what we require to send him indirectly through the medium of these establishments, we must furnish it from our other treasuries.

In India the agricultural classes have little of fixed and inconvertible stock upon the land, to detain them; and generally local attachments are not permitted to grow up and take a strong hold of the mind among them. Districts that are lightly assessed are very soon peopled and cultivated at the expense of those whose lands are highly assessed; for whole families and communities emigrate with not only all the instruments of tillage, but all the materials of good society in their train. Though our Government is always liberal, and prepared to relieve pressure upon the agricultural classes when fully assured of its existence, that pressure often manifests itself in the desertion of the lands, and the emigration of the people before that assurance can be conveyed. I have seen an immense extent of country saved from desolation by the officer in charge, relying upon the confidence of the Government in his integrity and judgment, taking upon himself to relieve distress and arrest the progress of

emigration by a great and general reduction in the assessment. He fell a victim to his anxiety and mental labours; and in him society lost one of the most amiable members, and the Government of India one of the best public servants they have ever had.*

In the territories of which he had charge, the effects of disbanding, reducing and removing public establishments were so great, that in a few years the farmers could scarcely pay the rate at which they had cheerfully engaged before these establishments were taken away, with the whole annual produce of their lands, sold at the price to which it was reduced; while the farmers of the reserved territories, into which these establishments were removed, could pay theirs from the sale of the *chaff* alone, for the use of the cattle. Though the subject will be treated more in detail in another part of this work, I may here remark, that the lands we receive in this fine state of cultivation, have been commonly more or less exhausted by long tillage; while those of the reserved and less cultivated territories have for the most part been enriched by long fallows; and could pay a higher rent, even if the advantages with regard to the market were equal. From twenty to thirty years of tillage unassisted with manure, irrigation, or flooding, will reduce the finest soil in India from a return of twenty-fold, to one of three or four; and generally speaking the lands of India are assisted

* I regret that I do not at present feel at liberty to name this distinguished individual, who was so great an ornament to the Bengal Civil Service; but there is not a member of that service that will not know whom I mean.

only by the mechanical application of the plough. This can only develop existing powers—it can add no new ones to the soil. My object is to have my propositions clearly understood, and my conclusions found applicable to useful purposes; and these objects may I hope be effected without a more particular reference, which I do not at present feel at liberty to make to the particular cases by which my reasoning is illustrated. That my statements here are strictly true will be acknowledged by the revenue department of our Indian administration; and for that chiefly are they intended.

These great seats of demand, and the just and liberal views of one local administration, render the lands more valuable, and impart a feeling of permanent interest in, and local attachment to the soil; but the removal of this establishment again reduces this value, while a less just or liberal administration takes advantage of these feelings of attachment, to exact from the farmers and cultivators more rent than the lands can fairly be made to pay; till these feelings are lost, and the lands are left waste, or let to wild speculators, or needy adventurers, who have neither character to support, nor property to lose.* If native Governments outrage these feelings of local attachment more than we do (a thing we are often apt to believe merely because we wish to

* Mr. Brown found the lands of Egypt divided between the Government and the Church, all private rights of property in the soil having disappeared under a long system of oppression. The cultivators, as in India, had the privilege of quitting their lands when they pleased; but claimed no right of property in them. Still he found persons, whose families had, without any right of property in them, cultivated the same lands for several generations. See Travels in Egypt.

believe it) they certainly know a great deal better how to create them. They encourage the formation and maintenance of those links, by which man's affections are connected with the soil, while we either discourage or entirely neglect them. A grove of mangoe-trees, a temple, or a reservoir, is a strong link, by which the affections of the man who formed it, and those of his posterity, are bound to the spot upon which it is formed; and though under native governments the officers may more often avail themselves of such links, to exact undue rents, than under ours, their formation is encouraged by them and directly or indirectly discouraged by us.

It is always difficult and commonly impossible to ascertain precisely the value of lands as a source of money rent or revenue to Government; and wherever this *tax upon the affections* is imposed within our territories, it arises from this difficulty; because there is, as I have observed already, a disposition as well in the government as in the European revenue officers, to relieve pressure in the public burthens, as soon as an assurance of its existence is felt. Mr. Elphinstone, whose liberal feelings and enlightened mind are an honor to the service in which he has risen, and to the government over which he now presides, has told us, that a large portion of the cultivators of the Poona states, before they came under our dominion, were proprietors of the lands they occupied, subject to the payment of a land tax to Government; but, that Government had taken advantage of their local attachments, to make them pay considerably more than what was paid by

mere tenants at will.* But it should not be forgotten, that some preceding administration of that Government must have encouraged the growth of these feelings, by a more just and liberal policy.

These works, such as temples, reservoirs, canals, groves, &c. are never in India formed with a view to profit; consequently never by *capital*, in the common acceptation of that term; because they never secure a claim upon the land or labour of any one. Under oppressive administrations, the farmers and cultivators of the soil, and the proprietors, where there are any, avoid the formations of such works, lest the Government officers should avail themselves of them, and of the feelings they create, to exact more rents than they should be obliged to pay for lands in which they have no such works and no such attachments—in other words *to tax their affections*. In some parts of India they even avoid as an established rule, the cultivation of an estate upon which they live and have the little stock they possess. They will not even keep and repair their ploughs upon the lands they till; so that they have no local tie whatever, of which the proprietor or Government officers could avail themselves as a means of undue exaction. Upon the estate in which they live they have nothing more than their hut, their plough, and their bullocks; and in this they pay a tax rated upon the plough, of about ten shillings; while the tax they pay upon the lands tilled with this plough in another estate, varies from six to ten times this sum, according to the quality of the soil, and its distance from the seat of demand.

* See his report upon the territories acquired from the Peishwa.

The natural powers of the richest soil in the world may be soon exhausted by an uninterrupted succession of impoverishing crops, without manure or irrigation; and to develop, repair, and improve these powers by irrigation and manure, much property and labour must be invested in fixed and inconvertible stock. But while such stock, instead of enriching the proprietor, is to furnish the means of his oppression and ruin, he will not surely invest his labour and property in its formation. The greater part of the stock required for an improved system of tillage, and for the creation of feelings of local attachment, is of a fixed and inconvertible nature; and if an improved system of tillage, and feelings of attachment to the soil be desirable, as they unquestionably must be in all countries, Governments should encourage its investment by all possible means. We are told by Volney, that in Turkey circulating stock escaped the officers of Government, while fixed and inconvertible was made an instrument of oppression and outrage. "La classe qui fait valoir les denrées en les mettant en œuvre ou en circulation n'est pas si mal traitée que celle qui les procure : la raison en est que les biens des artisans et des marchands, consistant, en effets mobilières, sont moins soumis aux regards du gouvernement que ceux des paysans."*

Even in the rudest or most simple state of society, in order to make the earth yield its fruits, it is necessary to invest property and labour for the formation of stock, inconvertible for a time; and a feeling of

* Travels, Chap. 36 and 38.

security in the exclusive possession for that time must be given, or they will not be so invested. We are told by Cæsar and Tacitus, that the Germans gave this security for only one year; and we may be assured that beyond the seed no inconvertible stock was invested by them in the lands they tilled. The former tells us, that they changed often the seats of cultivation, to prevent the acquisition of property, and preserve equality;* and when industry was so confined, to prevent the appropriation and improvement of the land, was an effectual mode of preventing the acquisition of any property but flocks and herds. Though from the nature and circumstances of our great seats of demand for agricultural industry in India—their constant liability to change situation, to increase and decrease, and the consequent fluctuation of value in the lands, I should not think a fixed land tax, or a land tax *rated upon a fixed valuation* generally expedient;† still I think we have not yet in our periodical settlements given sufficient encouragement to the investment of property and labour in fixed and inconvertible stock, absolutely necessary to an improved system of tillage, and to feelings of local attachment in the soil.

It is absolutely absurd to talk of a want of capital upon the land in India: there is no such want: it abounds in all parts; and is in all parts available, as long as the Government leaves sufficient of the annual returns to the proprietors, farmers, and cultivators. All that is wanted is a *concentration of capital*,

* De Bel. Gal. L. 6. l. 10th,

† In a subsequent chapter this will be shown to be the land tax of almost all European nations.

as will be explained in a subsequent chapter; and to this went the Ryotwar assessment is directly opposed.* I have said more than I intended in this chapter, of the practical application of my reasoning to Indian administration, because I thought it might be useful, and the digression will, I hope, be excused, from the motive by those who may feel no particular interest in that subject.

It will appear from the foregoing reasoning, that a seat of demand, whether a village, or a town, a city, or a nation, which has no equivalents to offer in exchange for land produce, either arising from the employment of its own domestic funds and instruments, or drawn from the employment of those of other places, in private incomes or public tribute, must necessarily depend for supply upon its own lands. It can have no effectual demand for the land produce of any other place; and is as effectually debarred from all purchase of the necessities of life from other countries, while it continues in these circumstances, as it could be by any insurmountable barrier of nature. The population of such a seat of demand might, at the same time, extend to the utmost numbers that its own lands could be made to supply; and the history of Egypt, Israel, and the Grecian Republics may satisfy us, that a very good system of tillage is by no means incompatible with a very simple state of tastes and manners.

If in such a state of society the lands were all

* How this concentration can be best effected will be considered in another chapter; but in the mean time I may say, principally by letting lands in estates of from two hundred to two thousand acres each.

distributed in private property, all taxes would be of necessity ultimately incident upon land rent, provided no other fund of the necessities of life were appropriated, and no other claim had been created by the formation of some instrument applied to the cultivation of the soil, or the distribution of its produce. The moment that, any other fund is appropriated, or any such instrument is formed, to convey a claim to others, from that moment all taxes cease to be of necessity incident upon the proprietors of land. The landlords depend upon them, as much as they depend upon the landlords: an independent income is derived from an independent claim; and this income becomes liable to be affected by taxes, either in its acquisition or in its expenditure. In this early stage of society the appropriation of land is no less necessary to its efficient improvement, than as a consequence of value, arising from the necessity of recourse to portions more distant and less fertile, as society concentrates and becomes fixed in seats of demand. The powers of the soil to supply food being limited within the capacities of the other funds, to supply what we require from them, the object of all societies is to develop and improve these powers as population increases; and for this purpose appropriation seems necessary.* The Mahommedan law-giver, the Persian, and the Hindoo, all recognize this necessity; and convey a right of property in the soil to him who by his property and labour shall render it available for the subsistence of man.

* There is a singular coincidence in the very expression of these several law-givers, as will be noticed in the chapter on "land-tenure".

The other funds of subsistence require not the application of material and intellectual stock, to make them conducive to our subsistence; and appropriation is unnecessary to them, either for their efficient improvement, or as a consequence of recourse to worse and more distant. But as society advances, and man requires something more than the absolute necessities of life, material and intellectual stock is applied to these unappropriated funds, to make them conducive to our more refined enjoyments; and though man is still left to draw freely from them what he requires for his mere subsistence, he is often made to pay a rent for them in the price of his luxuries and conveniences. The material and intellectual stock, by which these unappropriated funds are made to contribute to our luxury and convenience, and the produce of the appropriated funds, to our more refined enjoyments, forms an independent claim unknown in the ruder and more simple state of society; and this claim is made to contribute its portion to the public burthens of the state; while it is, at the same time, made the medium of conveying another claim of the Government, upon all those members of the community, who partake of the enjoyments, in the increased price they pay.

As this material and intellectual stock grows up in society, even the fountain of light and the atmosphere become appropriated, through its medium. It is not permitted to be applied to these funds but in such places, at such times, and in such portions as the Government may please to licence; and thus the powers and properties of these funds, in as far as they contribute to our more refined enjoyments by its

means, are limited artificially, as those of the appropriated funds are naturally.* Though a man may freely enjoy all the advantages of the fountain of light without, he is obliged to pay a rent for it within, through the medium of a tax upon his windows; and though a man may breathe the atmosphere freely, he is obliged to pay a tax for it in the price of some of his enjoyments, through the medium of the instruments that extract them. It would be great folly to say, that the rent we paid for the sun, through our windows; and that we paid for the atmosphere, through such machines, were ultimately incident upon land rent, unless the incomes from which we derived the means were composed of rent.

As society advances from the simple state, and industry extends, individuals, who have no share in the appropriated funds of our subsistence, invest their labour, and their property in the formation and acquirement of that stock by which their powers are made available and improved; their produce distributed, and formed into enjoyments, suitable to our wants and our tastes; and by the employment they acquire independent claims not only upon the annual returns of these funds, but upon those of funds situated in distant countries. Others invest their labour and their property in the formation and

* Mr. Buchanan accuses Doctor Smith of mistaking the nature of profits derived from secrets in trade; because he had said they were "the high prices of their private labour;" and says they are no wise different from land-rent. See his Edition of the *Wealth of Nations*, vol. I, p. 91, B. 1, L. 7.

But Doctor Smith never thought them different. See 5th Edition, vol. I. p. 225, B. 1, L. 11.

maintainance of the material and intellectual stock, by which the unappropriated funds are made to contribute to our enjoyment; and by which the enjoyments of distant nations are distributed among each other in commercial intercourse; and thereby acquire incomes independent of the proprietors of domestic lands. Others acquire independent claims by the formation and employment of that material and intellectual stock, which contributes to our amusement, our instruction, and our security; while others, by the employment of material and intellectual stock in distant nations, acquire a claim upon the annual returns of their funds and instruments, which, when they return home, enrich their country by a tributary stream of enjoyments.

Others again acquire a claim upon the annual returns from the land and labour of their country, by investing their property in that stock, which is neither employed in augmenting the amount of our enjoyments, nor increasing the sum of their exchangeable value. Such is the national debt of England; and such all those private debts, which have been contracted without augmenting or improving the funds and instruments of production; and increasing the revenue of those upon whom the obligation pay the interest or profits, devolves. I do not tend to deny, that much of the national debt is the result of the want of the liberty and independence contributed to secure, the quantity of our funds and instruments would of what they produced, a great flowed in a tributary stream

the portion left us to enjoy, we should have enjoyed without dignity.

In time all the members of an improved Society become more or less independent of each other for the portion of enjoyments they receive; and the claim of every one is or may be made to contribute its portion to those enjoyments, which are distributed to the public establishments through the medium of the Government. The material and intellectual stock of public establishments is not necessarily the less employed for the benefit and enjoyment of the people, that it happens to be employed by, and paid through the medium of the Government. A Government which does its duty to the people will pay no more of this stock than what it can and does employ for their advantage, and though in the more advanced stages of society Governments commonly employ too much, in the earlier stages of society they have often employed too little; and left without honest subsistence, to prey upon the very vitals of civil society, those who would have gladly contributed their mental and physical powers to its support.

As society advances and a greater variety of independent incomes become acquired, to contribute labour and support of public establishments, the financial a Government necessarily becomes more

* Mr. Buchanan in order to correct Smith of mistaking the nature of profits derived from the financial system of a nation in the high prices of the different from land-rent. *Smith* considered always to expand with the al and intellectual stock.

But Doctor Smith never
vol. 1. p. 225, B. 1, J. 11.

declined, and material and

intellectual stock disappeared in some few nations after their subjection to the Roman dominion,* the general tendency of that Government was, to extend industry and augment this stock, by the formation of towns and cities ; the construction of great works, useful or ornamental ; the introduction of arts ; the establishment of good laws, efficiently administered ; and useful institutions, religiously maintained. The financial system of the Romans in their distant provinces became more complicated, as their dominion in them became more firmly established ; as the necessary consequence of the growth of this stock among the people. But the general tendency of the northern barbarians, who conquered and occupied these provinces after the decline of this empire, was to destroy all this material and intellectual stock ; depopulate the towns and cities ; subvert the Government, laws, and institutions established by their predecessors ; and bring industry back to its state of primitive simplicity.

It was, therefore, their tendency to *simplify the financial system* of their predecessors ; for when they had reduced industry to agriculture alone, and land became the only fund of the necessities of life, and all taxes became necessarily incised on the land. The only thing left for the financial system, was the mode of levying taxes on the land.

not be long in discovering, that a plan much less simple than that of the Romans would answer his purpose. A justly celebrated writer has, however, ventured to deny that the Gauls and Romans ever paid taxes even immediately after the conquest of the Franks, "because he cannot conceive how these Franks should have been at first such great friends and afterwards such sudden enemies to taxes. It was very natural, that the Roman art of *tax-gathering* should fall of itself in the monarchy of the Franks, because it was a most complicate art, far above the conception and wide from the plan of this simple people."*

It would, however, be found much less difficult to teach the Tartars, should they now invade England from the banks of the Jaxartes, our complicated system of finances, or at least to get Englishmen who would gather the taxes for them, than to prevail upon them to preserve all that material and intellectual stock, those towns, cities, arts, trades, manufactures, commerce, laws, institutions, establishments, &c. &c. that render a complicated system necessary. They would, in all probability, soon simplify our system, as the Franks did that of the Romans, not by wisely framing a code more suitable to the liberty of industry, but by reducing the establishments, the financial alone, or restoring the government necessarily become pastoral, in order to prevent the error of Smith of mistaking the nature of the financial system of a nation, derived from the high prices of the different from land-rent. *See* considered always to expand with the al and intellectual stock.

But Doctor Smith never.
vol. 1. p. 225, B. 1, l. 11.

declined, and material and

scarcely any thing but a tax upon heads, about the time that all the material and intellectual stock which had grown up under the Roman Government, laws, and institutions, had been entirely destroyed.

"Towards the commencement of the first race" says the same author, "we meet with an infinite number of free men both among the Franks and the Romans; but the number of bondmen increased to that degree, that at the beginning of the third race, all the husbandmen, and almost all the inhabitants of towns were become slaves; and whereas at the first period there was very near the same administration in the cities as under the Romans, namely a corporation, a senate, and courts of judicature; at the other we hardly meet with any thing but a lord and his bondmen."* When we find society reduced to territorial lords, and predial slaves, we may venture to conclude, that their system of taxation is *very simple*; and that the plan of liberty or *system of anarchy* effected this simplicity of their financial code by destroying the material and intellectual stock of the country. Were the Cossacks and Tartars to conquer England and France, and enjoy the same liberty which they enjoyed in the one, and the Franks in the other, by destroying, and reducing to a village, and despoiling the course of a river, to a

very simple form, not "far above the conception
"nor wide from the plan of a free and simple people."

The system was not simplified by the incapacity of the barbarians to comprehend it. The taxes continued to be collected through agents perfectly well acquainted with the plan, while the funds destined to pay them were preserved; and were not all changed into military services till society was reduced to land-proprietors and their bondmen; industry confined to agriculture; and no equivalent any where to be found to receive in exchange for land produce, and offer in taxes to Government.

Though the financial systems of most European nations are, no doubt, more complicated than is requisite for an equitable taxation; that system, to be equitable, must necessarily become more and more complicated as society advances, industry extends, and nations improve in wealth and enjoyments. It was very sensibly observed by Arthur-Young, "that taxes ought to bear lightly upon an infinite number of points, heavily upon none; and that simplicity in taxation was the greatest additional weight that could be given to taxes, and ought in every country to be most sedulously avocontribute the same author has observed, "that the financial the School of Qu. Government necessarily become more "Locke "in order to avoid from financial system of a nation in high prices of the different from land-rent. St. al and intellectual stock."

But Doctor Smith never.
vol. 1. p. 225, B. 1, 4. 11.

inclined, and material and

"the most dangerous absurdities that ever disgraced
"common sense."*

That they are not so incident where industry has extended, has, I believe, been sufficiently shown in this chapter; and in the next chapter I hope to show, still more satisfactorily, that the conclusion of economists, that *all taxes* must fall upon the wages of labour, the profits of stock, or the rent of land, *actually employed in producing and bringing to market*; and, consequently, that if they cannot fall upon one of the three, they must all fall exclusively upon two; and if they cannot fall upon two of the three, must all fall exclusively upon one, is a conclusion founded entirely upon false premises.

* *Travels in France*, vol. I, p. 590.

ERRATA

- Page 23.—For “All the,” read All of the.
27.—For “and cohaerentibus,” read et cohaerentibus.
35.—For “indispensible,” read indispensable.
38.—For “former,” read farmer.
40.—For “to breath,” read to breathe.
50.—For “there,” read their.
55.—For “adorned,” read adorned.
98.—For “the rent,” read the tax.
90.—For “this establishment,” read these establishments.
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